



Legislation Details (With Text)

File #: 23-1464 **Version:** 1 **Name:** Michael A. Armstrong First Amendment Agreement (Litigation) 2023
Type: Resolution **Status:** Adopted
File created: 9/6/2023 **In control:** Law
On agenda: 11/1/2023 **Final action:** 11/1/2023

Title: Dept/ Agency: Law
Action: Ratifying Authorizing Amending
Type of Service: Professional Services Contract
Purpose: First Amendment to the Agreement to provide legal services concerning Litigation Defense Matters.
Entity Name: Michael A. Armstrong, LLC
Entity Address: Willingboro, New Jersey 08043
Contract Amount: Not to exceed \$293,000.00
Additional Contract Amount: \$168,000.00
Funding Source: 2023 Budget/Law Department
Contract Period: January 1, 2023 through December 31, 2023
Contract Basis: Bid State Vendor Prof. Ser. EUS
 Fair & Open No Reportable Contributions RFP RFQ
 Private Sale Grant Sub-recipient n/a
Additional Information:
Resolution 7R6-q adopted on December 21, 2022, awarded a contract in an amount not to exceed \$125,000.00, for the period of January 1, 2023 through December 31, 2023.

This First Amendment will increase the contract amount by \$168,000.00, for a new total contract amount not to exceed \$293,000.00.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
11/1/2023	1	Municipal Council		

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WHEREAS, Legal Services are Professional Services and are exempt from the requirements for public bidding pursuant to the Local Public Contracts Law, more specifically, N.J.S.A. 40A:11-5(1) (a)(i); and

WHEREAS, the Municipal Council, by Resolution 7R6-q, adopted on December 21, 2022, awarded a contract to Michael A. Armstrong, LLC, 79 Mainbridge Lane, Willingboro, New Jersey 08043, to provide legal services as Litigation Defense Counsel, in an amount not to exceed One Hundred Twenty-Five Thousand Dollars and Zero Cents (\$125,000.00), for a period of January 1, 2023 through December 31, 2023; and

WHEREAS, Michael A. Armstrong, LLC, on or about May 2023 expended the \$125,000.00 and continued to provide legal services at the request of the Corporation Counsel for the remainder of the contract period; and

WHEREAS, the outstanding legal invoices require an increase in the total contract amount of \$168,000.00; and

WHEREAS, the requested increase in the total contract amount is deemed reasonable and necessary to pay the outstanding legal bills through the remainder of the contract period; and

WHEREAS, the increase of an additional One Hundred Sixty-Eight Thousand Dollars and Zero Cents (\$168,000.00), brings the total contract to an amount not to exceed Two Hundred Ninety-Three Thousand Dollars and Zero Cents (\$293,000.00) for January 1, 2023 through December 31, 2023; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Mayor of the City of Newark and/or his designee, the Corporation Counsel, on behalf of the City of Newark to enter into and execute a First Amendment to the Agreement to provide legal services with Michael A. Armstrong, LLC, 79 Mainbridge Lane, Willingboro, New Jersey 08043, to continue providing legal services concerning Litigation Defense Matters for an additional One Hundred Sixty-Eight Thousand Dollars and Zero Cents (\$168,000.00) for a total contract amount not to exceed Two Hundred Ninety-Three Thousand Dollars and Zero Cents (\$293,000.00) for the period of January 1, 2023 through December 31, 2023, to cover the outstanding legal invoices from on or about May 01, 2023 - December 31, 2023.
2. The Municipal Council hereby ratifies this First Amendment to the Agreement to provide legal services from May 01, 2023 to the date of the adoption of this Resolution.
3. All other terms and conditions of the Contract shall remain the same.

4. Pursuant to N.J.A.C. 5:30-5.5(a), Temporary Budget, attached is the Chief Finance Officer's Certification, which states partial available funds in the amount Fifty Thousand Dollars and Zero Cents (\$50,000.00), are available in the 2023 Temporary Budget, the balance to be provided in the 2023 Adopted Budget. The Certification shall be filed, along with the original Resolution and the executed contract in the Office of the City Clerk. For the purposes set forth herein and the line appropriations which shall be charged are as follows:

<u>Bus. Unit</u>	<u>Dept. ID</u>	<u>Div/Proj.</u>	<u>Acct.#</u>	<u>Bud. Ref.</u>
NW 011	040	0401	71260	2023

5. The Corporation Counsel shall file a copy of the executed First Amendment to the Agreement to provide legal services herein authorized in the Office of the City Clerk and the same shall be made available for public inspection.

6. A notice of this action shall be published in the newspaper authorized by law to publish a legal advertisement and as required by law within ten (10) days of the adoption of this Resolution.

STATEMENT

This Resolution ratifies, amends and authorizes the Mayor of the City of Newark and/or his designee, the Corporation Counsel, to enter into and execute a First Amendment with Michael A. Armstrong, LLC, 79 Mainbridge Lane, Willingboro, New Jersey 08043 to the Agreement to provide legal services as Litigation Defense Matters Counsel for an additional \$168,000.00 for a total contract amount not to exceed \$293,000.00, for the period of January 1, 2023 through December 31, 2023.