



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 18-1703, Version: 1

Dept/ Agency: Law

Action: (X) Ratifying (X) Authorizing (X) Amending

Type of Service: Professional Services Contract

Purpose: First Amendment to the Agreement to provide legal services concerning Litigation Defense Counsel

Entity Name: Chasan, Lamparello Mallon & Cappuzzo, P.C.

Entity Address: 300 Lighting Way, Secaucus, New Jersey 07094

Contract Amount: Not to exceed \$160,000.00

Funding Source: 2018 Budget/Law Department

Contract Period: January 1, 2018 through December 31, 2018

Contract Basis: () Bid () State Vendor (X) Prof. Ser. () EUS

(X) Fair & Open () No Reportable Contributions () RFP (X) RFQ

() Private Sale () Grant () Sub-recipient () n/a

Additional Information: N/A

Original Resolution 7R6n-(S)122717 was awarded for a contract amount not to exceed \$125,000.00
First Amendment to increase the contract amount by \$35,000.00 for a new total contract amount not to exceed \$160,000.00.

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 of the City of Newark by Resolution 7R6-n(S), adopted on December 27, 2017, awarded a contract to Chasan, Lamperello Mallon & Cappuzzo, P.C., 300 Lighting Way, Secaucus, New Jersey 07094, to provide legal services concerning Litigation Defense Counsel Matters, in an amount not to exceed One Hundred and Twenty-Five Thousand Dollars and Zero Cents (\$125,000.00), for the period of January 1, 2018 through December 31, 2018; and

WHEREAS, the contract was awarded in compliance with Local Public Contracts Law, and through the fair and open process of State Pay to Play, and in compliance with Ordinance 2:4-22C; and

WHEREAS, Chasan, Lamparello, Mallon & Cappuzzo, P.C., continues to vigorously defend the City of Newark in several cases in which bills will be submitted for the remainder of the contract year; and

WHEREAS, Chasan, Lamparello, Mallon & Cappuzzo, P.C., have outstanding legal bills, which when paid will exhaust the total contract amount; and

WHEREAS, Chasan, Lamparello, Mallon & Cappuzzo, P.C., represents to the City of Newark that an additional Thirty-Five Thousand Dollars and Zero Cents (\$35,000.00), is necessary for it to continue to provide legal services through December 31, 2018; and

WHEREAS, the requested increase in the total contract amount is deemed reasonable and necessary to pay the outstanding and anticipated legal bills through December 31, 2018; and

WHEREAS, the increase of an additional Thirty-Five Thousand Dollars (\$35,000.00) brings the total contract to an amount not to exceed One Hundred and Sixty Thousand Dollars and Zero Cents (\$160,000.00), for January 1, 2018 through December 31, 2018; and

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

1. The Mayor and/or his designee, the Corporation Counsel, are authorized on behalf of the City of Newark to execute a First Amendment to the Agreement to Provide Legal Services with Chasan, Lamparello, Mallon & Cappuzzo, P.C., 300 Lighting Way, Secaucus, New Jersey 07094, to continue providing the legal services concerning Litigation Defense Matters for an additional Thirty-Five Thousand Dollars and Zero Cents (\$35,000.00), for a total contract amount not to exceed One Hundred and Sixty Thousand Dollars and Zero Cents (\$160,000.00), for the period of January 1, 2018 through December 31, 2018, to cover pending and existing matters.
2. The Municipal Council hereby ratifies this First Amendment to the Agreement from the date that funds will be exhausted to the date of the adoption of this resolution.
3. All other terms and conditions of the contract shall remain the same.
4. This First Amendment to the Agreement to provide legal services is made in accordance with the professional services exception to public bidding in the Local Public Contracts Law (*N.J.S.A. 40A:11-5(1)(a)(i)*) and Fair and Open Procedures of the State Pay-to-Play Law (*N.J.S.A. 19:44A-20.5*) and is in compliance with Contractor Pay to Play Reform Ordinance, 6PSF-a adopted on August 1, 2012.
5. Attached is a Certification of Funds from the Finance Director, which states that funds in the amount of Thirty-Five Thousand Dollars and Zero cents (\$35,000.00), are available in the 2018 Law Department budget. The Certification of Funds shall be filed along with the original resolution in the Office of the City Clerk.
6. A copy of the executed First Amendment to the Agreement to Provide Legal Services herein authorized shall be filed in the Office of the City Clerk by the Corporation Counsel and shall be made available for public inspection.
7. 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 and/or his designee, the Corporation Counsel, to enter into and execute a First Amendment to the Agreement to Provide Legal Services for Litigation Defense Counsel Matters for an additional Thirty-Five Thousand) Dollars and Zero Cents (\$35,000.00, for a total contract amount not to exceed One Hundred and Sixty Thousand Dollars and Zero Cents (\$160,000.00).