



## Legislation Text

File #: 17-2189, 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 as Labor and Employment Defense Counsel to Increase Contract Amount by \$30,000.00

**Entity Name:** Carmagnola & Ritardi, LLC.

**Entity Address:** 60 Washington Street, Morristown, New Jersey 07960

**Contract Amount:** \$105,000.00

**Funding Source:** 2017 Budget/ Law Department

**Contract Period:** January 1, 2017 through December 31, 2017

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

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

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

**Additional Information:**

Resolution 7R6-f adopted on December 21, 2016, awarded contract in the amount of \$75,000.00

First Amendment to the Agreement to increases the contract amount by \$30,000.00, for a new total contract amount not to exceed \$105,000.00.

**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-f, adopted on December 21, 2016, awarded a contract to Carmagnola & Ritardi, LLC, 60 Washington Street, Morristown, New Jersey 07960, to serve as Labor and Employment Defense Counsel for matters that were currently being handled by Carmagnola & Ritardi, LLC and any new matters that may arise during the contract term, in an amount not to exceed Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00), for the period of January 1, 2017 through December 31, 2017; and

**WHEREAS**, the contract was awarded pursuant to the fair and open procedures of the State Pay-to-Play Law, N.J.S.A. 19:44A-20.5, the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)) and is in compliance with the City of Newark's Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey, Municipal Code § 2:4-22C.

**WHEREAS**, Carmagnola & Ritardi, LLC 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**, the outstanding legal bills for 2017 require an increase in the total contract amount; and

**WHEREAS**, Carmagnola & Ritardi, LLC represents to the City of Newark that at least an additional Thirty Thousand Dollars and Zero Cents (\$30,000.00) is necessary for the firm to continue to provide legal services through December 31, 2017; and

**WHEREAS**, the requested increase in the total contract amount is deemed reasonable and necessary to pay for legal services provided through December 31, 2017; and

**WHEREAS**, the increase of an additional Thirty Thousand Dollars and Zero Cents (\$30,000.00), brings the total contract to an amount not to exceed One Hundred Five Thousand Dollars and Zero Cents (\$105,000.00), for January 1, 2017, through December 31, 2017; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that Notice of the award of contracts for "Professional Services" without competitive bidding must be published in a local newspaper; and

**WHEREAS**, this contract amendment is being awarded pursuant to the fair and open procedures of the State Pay-to-Play Law, N.J.S.A. 19:44A-20.5, the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)) and is in compliance with the City of Newark's Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey, Municipal Code § 2:4-22C; and

**WHEREAS**, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey, Municipal Code § 2:4-22C, which forbids the award of a contract to a Business Entity, as defined therein, which has made or solicited political contributions to (i) a candidate, candidate committee or joint candidate committee of any candidate for elective municipal office in the City of Newark or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any City of Newark or County of Essex political committee or action committee that regularly engages in the support of City of Newark Municipal or County of Essex candidates, candidate committees, joint candidates committees, political committees, political party committee, (hereinafter "PAC), in excess of certain specified thresholds within one (1) calendar year immediately preceding the date of the contract or agreement.

**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 Acting Corporation Counsel, are hereby authorized on behalf of the City of Newark to execute a First Amendment to the Agreement to Provide Legal Services with Carmagnola & Ritardi, LLC, 60 Washington Street, Morristown, New Jersey 07960, for legal services provided through December 31, 2017 as Labor and Employment Defense Counsel for an additional Thirty Thousand Dollars and Zero Cents (\$30,000.00), for a total contract amount not to exceed One Hundred Five Thousand Dollars and Zero Cents (\$105,000.00), for the period of January 1, 2017 through December 31, 2017, to cover ongoing litigation and outstanding bills.
2. The Municipal Council hereby ratifies this First Amendment to the Agreement to Provide Legal Services from January 1, 2017 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 pursuant to the Non-Fair and Open Procedures of the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5) and is in compliance with the City of Newark's Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey, Municipal Code § 2:4-22C.
5. The funds for this First Amendment to the Agreement to Provide Legal Services shall be paid from the City of Newark Budget/Law Department, after the issuance of a Certification of Funds from the Chief Financial Officer, which states that funds in the amount of Thirty Thousand Dollars and Zero Cents (\$30,000.00) are available in the aforementioned Law Department budget. The Certification of Funds shall be filed along with the original resolution in the Office of the City Clerk.
6. The Acting 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 it 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 hereby ratifies, amends and authorizes the Mayor and/or his designee, the Acting Corporation Counsel, to enter into and execute a First Amendment to the Agreement with Carmagnola & Ritardi, LLC, 60 Washington Street, Morristown, New Jersey 07960, to provide legal services for Labor and Employment Defense Counsel for an additional Thirty Thousand Dollars and Zero Cents (\$30,000.00), for a total contract amount not to exceed One Hundred Five Thousand Dollars and Zero Cents (\$105,000.00), for the period of January 1, 2017 through December 31, 2017, to cover ongoing litigation and outstanding bills.