



## Legislation Text

File #: 17-1988, 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 Litigation Defense to Increase Contract Amount by \$25,000.00

**Entity Name:** Lite DePalma & Greenberg, LLC.

**Entity Address:** 570 Broad Street, Suite 1201, Newark, New Jersey 07102

**Contract Amount:** Amount not to exceed \$125,000.00

**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:**

Contract was awarded via Resolution 7R6-r adopted on January 5, 2017; this current resolution will increase the contract amount by \$25,000.00, to a total contract amount not to exceed \$125,000.00

**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-R, adopted on January 5, 2017, awarded a contract (hereinafter referred to as "Contract") to Lite DePalma & Greenberg, LLC, 570 Broad Street, Suite 1201, Newark, New Jersey 07102 (hereinafter referred to as "Lite DePalma"), to serve as Litigation Defense Counsel for matters that were currently being handled by Lite DePalma and any new matters that may arise during the Contract term, in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for the period of January 1, 2017 through December 31, 2017; and

**WHEREAS**, Lite DePalma currently has outstanding legal bills for 2017 and pending litigation matters, which will exhaust the total Contract amount as of approximately August 1, 2017; and

**WHEREAS**, Lite DePalma continues to vigorously defend the City of Newark in several cases for which Lite DePalma will submit bills for the remainder of the Contract year; and

**WHEREAS**, the outstanding legal bills and open cases pending require an increase in the total Contract amount; and

**WHEREAS**, Lite DePalma represents that at least an additional Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00), is necessary for Lite DePalma to continue to provide legal services to the City of Newark through December 31, 2017; and

**WHEREAS**, the Department of Law is seeking to amend the Contract to increase the amount previously approved by \$25,000.00 for Lite DePalma to continue to provide legal services to the City of Newark 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 Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00), brings the total Contract to an amount not to exceed One Hundred and Twenty-Five Thousand Dollars and Zero Cents (\$125,000.00), for January 1, 2017 through December 31, 2017; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)) requires the City of Newark to print in the official newspaper a brief notice of Professional Services Contracts that are awarded without public advertising for bids and bidding; 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) and pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)); 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 the thresholds specified in subsection (g) 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 and directed on behalf of the City of Newark to execute a First Amendment to the Agreement to provide Legal Services with Lite DePalma & Greenberg, LLC, 570 Broad Street, Suite 1201, Newark, New Jersey 07102, for legal services provided through December 31, 2017 as Litigation Defense Counsel for an additional amount not to exceed Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00), for a total contract amount not to exceed One Hundred and Twenty-Five Thousand Dollars and Zero Cents (\$125,000.00), for the period of January 1, 2017 through December 31, 2017, to cover outstanding bills.
2. The Municipal Council ratifies this first contract amendment from August 2, 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 being 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 fair and open procedures of the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5), as well as 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.
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 Acting Chief Financial Officer, which states that funds in the amount of Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00, 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. 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 Acting 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 Acting Corporation Counsel, to enter into and execute a First Amendment to the Agreement with Lite DePalma & Greenberg, LLC, 570 Broad Street, Suite 1201, Newark, New Jersey 07102, to provide Legal Services for Litigation Defense matters for an additional Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00), for a total contract amount not to exceed One Hundred and Twenty-Five Thousand Dollars and Zero Cents (\$125,000.00), for the period of January 1, 2017 through December 31, 2017.