



## Legislation Text

File #: 24-0485, 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 Matters.

**Entity Name:** Lite, DePalma, Greenberg and Afanador

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

**Contract Amount:** Not to exceed \$390,879.71

**Funding Source:** 2023 Budget/Law Department

**Contract Period:** January 1, 2023 through December 31, 2023

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

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

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

**Additional Information:**

Resolution 7R6-u adopted on December 21, 2022, awarded a contract for the period of January 1, 2023 through December 31, 2023, for a contract amount not to exceed \$150,000.00.

This First Amendment will increase the contract amount by \$240,879.71, for a new total contract amount not to exceed \$390,879.71.

**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-u, adopted on December 21, 2022, awarded a contract to Lite, DePalma, Greenberg & Afanador, 570 Broad Street, Suite 1201, Newark, New Jersey 07102, to provide legal services concerning Litigation Defense matters, in an amount not to exceed One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00), for a period of January 1, 2023 through December 31, 2023; and

**WHEREAS**, Lite, DePalma, Greenberg & Afanador, on or about August 2023 expended the \$150,000.00 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 \$240,879.71; 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 Two Hundred Forty Thousand Eight Hundred Seventy-Nine Dollars and Seventy-One Cents (\$240,879.71), brings the total contract to an amount not to exceed Three Hundred Ninety Thousand Eight Hundred Seventy-Nine Dollars and Seventy-

One Cents (\$390,879.71) 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, are hereby authorized on behalf of the City of Newark to enter into and execute a First Amendment to the Agreement to provide legal services with Lite, DePalma, Greenberg & Afanador, 570 Broad Street, Suite 1201, Newark, New Jersey 07102, to continue providing legal services concerning Litigation Defense Matters for an additional Two Hundred Forty Thousand Eight Hundred Seventy-Nine Dollars and Seventy-One Cents (\$240,879.71) for a total contract amount not to exceed Three Hundred Ninety Thousand Eight Hundred Seventy-Nine Dollars and Seventy-One Cents (\$390,879.71) for the period of January 1, 2023 through December 31, 2023, to cover the outstanding legal invoices from on or about August 1, 2023 through December 31, 2023.
2. The Municipal Council hereby ratifies this First Amendment to the Agreement to provide legal services from August 1, 2023 to the date of the adoption of this Resolution.
3. All other terms and conditions of the Contract shall remain the same.
4. 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 Two Hundred Forty Thousand Eight Hundred Seventy-Nine Dollars and Seventy-One Cents (\$240,879.71), Line NW011, Department 046, Division 0461, Account 71260, Budget 2023 and Line NW011, Department 040, Division 0401, Account 71260, Budget 2023 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.
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 to the Agreement with Lite, DePalma, Greenberg & Afanador to provide legal services as Litigation Defense Counsel for an additional \$240,879.71, for a total contract amount not to exceed \$390,879.71, for the period of January 1, 2023 through December 31, 2023.

