



Legislation Text

File #: 23-1460, 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 Labor and Employment Matters.

**Entity Name:** Florio Kenny Raval, LLP

**Entity Address:** 125 Chubb Avenue, Suite 310-N, Lyndhurst, New Jersey 07071

**Contract Amount:** Not to exceed \$170,000.00

**Additional Contract Amount:** \$126,000.00

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

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

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

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

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

**Additional Information:**

This First Amendment will increase the contract amount by \$126,000.00, for a new total contract amount not to exceed \$170,000.00.

**WHEREAS**, the City of Newark (the “City”) is involved in ongoing legal matters and therefore has a need to acquire legal services; and

**WHEREAS**, the City entered into a professional services agreement with Florio Kenny Raval, LLP with offices located at 125 Chubb Avenue, Suite 310-N, Lyndhurst, New Jersey, 07071, for legal services in the amount of Forty-Four Thousand Dollars and Zero Cents (\$44,000.00) for the period of January 1, 2023 through December 31, 2023; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-3(c), the Qualified Purchasing Agent (“QPA”), has the authority to award contracts up to \$44,000.00; and

**WHEREAS**, due to unexpected circumstances, on or about May 2023, Florio Kenny Raval, LLP, expended the \$44,000.00; and

**WHEREAS**, at the request of the Corporation Counsel, Florio Kenny Raval, LLP continues to provide legal services; and

**WHEREAS**, the outstanding legal invoices require an increase in the total contract amount of One Hundred Twenty-Six Thousand Dollars and Zero Cents (\$126,000.00); 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 \$126,000.00, brings the total contract to an amount not to exceed One Hundred Seventy Thousand Dollars and Zero Cents (\$170,000.00) for January 1, 2023 through December 31, 2023; and

**WHEREAS**, this contract was awarded without competitive bidding as legal services are professional services and are exempt from the requirements for public bidding pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i); and

**WHEREAS**, Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires a resolution of the Governing Body authorizing the award of contracts for professional services and further requires that the contract itself must be available for public inspection; and

**WHEREAS**, Florio Kenny Raval, LLP has completed and submitted a Business Entity Disclosure Certification, which certifies that it has not made any reportable contributions to a political or candidate committee in the City in the prior year and that the contract will prohibit Florio Kenny Raval, LLP from making any reportable contributions through the term of the contract; and

**WHEREAS**, 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 public bidding must be published in a local newspaper; and

**WHEREAS**, the actions contemplated by this Resolution shall result in the award of a contract in for an amount over Seventeen Thousand Five Hundred Dollars and Zero Cents (\$17,500.00), is in compliance with the State Pay-to-Play Law, the City Pay-to-Play Ordinance and is being awarded as a Non-Fair and Open Contract pursuant to N.J.S.A. 19:44A-20.5.

**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 Florio Kenny Raval, LLP, 125 Chubb Avenue, Suite 310-N, Lyndhurst, New Jersey 07071, to continue providing legal services concerning Labor and Employment Matters for an additional One Hundred Twenty-Six Thousand Dollars and Zero Cents (\$126,000.00), for a total contract amount not to exceed One Hundred Seventy Thousand Dollars and Zero Cents (\$170,000.00), for the period of January 1, 2023 through December 31, 2023, to cover the outstanding legal invoices from on or about May 01, 2023 through December 31, 2023.
2. The Municipal Council hereby ratifies this First Amendment to the Agreement to provide legal services from May 1, 2023 to the date of the adoption of this Resolution.
3. All other terms and conditions 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 to the Agreement with Florio Kenny Raval, LLP to provide legal services as Labor and Employment Matters Counsel for an additional One Hundred Twenty-Six Thousand Dollars and Zero Cents (\$126,000.00) for a total contract amount not to exceed One Hundred and Seventy Thousand Dollars and Zero Cents (\$170,000.00), for the period of January 1, 2023 through December 31, 2023.