



Legislation Text

File #: 24-0178, Version: 1

Dept/ Agency: Law

Action: Ratifying Authorizing Amending

Type of Service: Professional Services Contract

Purpose: First Amendment to the Agreement to provide legal services concerning Bond Matters.

Entity Name: DeCotiis, Fitzpatrick, Cole and Giblin, LLP

Entity Address: 61 South Paramus Road, Suite 250, Paramus, New Jersey 07652

Contract Amount: Not to exceed \$200,000.00

Funding Source: City of Newark Bond Note Proceeds

Contract Period: January 1, 2024 through December 31, 2024

Contract Basis: Bid State Vendor Prof. Ser. EUS

Fair & Open No Reportable Contributions RFP RFQ

Private Sale Grant Sub-recipient n/a

Additional Information:

Resolution 7R6-c adopted on December 20, 2023, awarded a contract for the period of March 1, 2024 through February 28, 2025, for a contract amount not to exceed (\$200,000.00).

This First Amendment will amend the contract term to January 1, 2024 through December 31, 2024 and change the funding source to Bond Note Proceed and amend the Agreement to reflect the same.

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-c, adopted on December 20, 2023, awarded a contract to DeCotiis, Fitzpatrick, Cole & Giblin, LLP, 61 South Paramus Road, Suite 250, Paramus, New Jersey 07652, to provide legal services concerning Bond Matters, in an amount not to exceed Two Hundred Thousand Dollars and Zero Cents (\$200,000.00), for a period of March 1, 2024 through February 28, 2025; and

WHEREAS, the City of Newark wishes to change the contract period from the erroneous period of March 1, 2024 through February 28, 2025 to January 1, 2024 through December 31, 2024; and

WHEREAS, the contract will be paid from Bond Proceeds and the contract shall be amended to reflect the payment from bond proceeds.

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 ("City") and/or his designee, the Corporation Counsel, are hereby authorized to enter into and execute a First Amendment to the Agreement to provide legal services concerning Bond Matters with DeCotiis, Fitzpatrick, Cole, & Giblin, LLP, 61 South

Paramus Road, Suite 250, Paramus, New Jersey 07652, for a total contract amount not to exceed Two Hundred Thousand Dollars and Zero Cents (\$200,000.00), which shall be paid from bond proceeds, for the period of January 1, 2024 through December 31, 2024.

2. The Municipal Council hereby ratifies this First Amendment to the Agreement to provide legal services from January 1, 2024 to the date of the adoption of this Resolution.
3. All other terms and conditions of the contract shall remain the same.
4. This contract shall be paid from Bond and Note proceeds on a percentage basis after Bonds and Notes are sold and after receipt of the funds from the sale by the City. This is an open-ended contract to be used as needed during the term of the contract. Thus, for those expenditures not covered by Bond and Note proceeds, certification of the availability of sufficient funds, as required by N.J.A.C. 5:30-5.5(b)(2), shall be executed before liability is incurred each time a service is requested. If operating under a Temporary Budget, the City shall comply with N.J.A.C. 5:30-5.5 (a)(1) and (2). For those expenditures covered by the City's escrow Ordinances, the fees shall be paid in accordance with the funding agreements entered into between the City and the respective developers.
5. The Corporation Counsel shall file a copy of the fully 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 to provide legal services as Bond Matters Counsel for a total contract amount not to exceed Two Hundred Thousand Dollars and Zero Cents (\$200,000.00), which shall be paid from bond proceeds, for the period of January 1, 2024 through December 31, 2024.