



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 21-1776, 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 Defense Counsel.

Entity Name: Lite DePalma Greenberg and Afanador, LLC

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

Contract Amount: Not to exceed \$125,000.00

Funding Source: 2021 Budget/Law Department

Contract Period: January 1, 2021 through December 31, 2021

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

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

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

Additional Information:

Resolution 7R6-a(S), adopted on June 22, 2021, awarded a contract to provide legal services concerning litigation matters to Lite DePalma Greenberg, LLC, for the period of January 1, 2021 through December 31, 2021, in an amount not to exceed \$75,000.00.

This First Amendment will increase the contract amount by \$50,000.00, for a new 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, by Resolution 7R6-a(S), adopted on June 22, 2021, awarded a contract to Lite DePalma Greenberg and Afanador, LLC, formerly known as Lite Greenberg DePalma, LLC, of 570 Broad Street, Suite 1201, Newark, New Jersey 07102, to provide Legal Services concerning Litigation matters, in an amount not to exceed Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00), for a period of January 1, 2021 through December 31, 2021; and

WHEREAS, Lite DePalma Greenberg and Afanador, LLC, currently has outstanding legal bills for 2021 and pending litigation matters, which has exhausted the current total contract amount; and

WHEREAS, Lite DePalma Greenberg and Afanador, LLC, continues to vigorously defend the City of Newark in litigation matters in which bills have been submitted and will be submitted for the remainder of the contract year; and

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

WHEREAS, Lite DePalma Greenberg and Afanador, LLC, represents to the City of Newark that at least an additional Fifty Thousand Dollars and Zero Cents (\$50,000.00), is necessary for it to continue provide legal services through December 31, 2021, and to cover the outstanding and anticipated legal bills; and

WHEREAS, the requested increase in the total contract amount is deemed reasonable and necessary to pay the outstanding and anticipated legal bills through December 31, 2021; and

WHEREAS, the increase of an additional Fifty Thousand Dollars and Zero Cents (\$50,000.00) brings the total contract to an amount not to exceed One Hundred Twenty-Five Thousand Dollars and Zero Cents (\$125,000.00), for services provided from January 1, 2021, through December 31, 2021; 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 was awarded as a Fair and Open Contract pursuant to N.J.S.A. 19:44A-20.5; 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 Newark Municipal candidates, County of Essex Candidates, office holders having ultimate responsibility for the award of a contract; candidate committees of the aforementioned candidates; and political or political party committees of the City of Newark or County of Essex; and continuing political committees or political action committees regularly engaged in the support of the city of Newark Municipal or County of Essex elections; and certain other political party or candidate committees, in excess of certain thresholds.

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, and the Corporation Counsel, are hereby authorized and directed 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 and Afanador, LLC, formerly Lite DePalma Greenberg, LLC, of 570 Broad Street, Suite 1201, Newark, New Jersey 07102, to continue providing legal services concerning litigation matters for an additional Fifty Thousand Dollars and Zero Cents (\$50,000.00), for a total contract amount not to exceed One Hundred Twenty-Five Thousand Dollars and Zero Cents (\$125,000.00), to cover pending and existing matters and the outstanding and anticipated legal bills.
2. The Municipal Council hereby ratifies this First Amendment to the Agreement to provide legal services from January 1, 2021 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), and is in compliance with the Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey, Municipal Code § 2:4-22C.
5. The Director of the Department of Finance issued a Certification of Funds for this First Amendment to the Agreement to provide legal services in the amount of Fifty Thousand Dollars and Zero Cents (\$50,000.00) and shall be paid from the: 2021 City of Newark Budget/Law Department, Business Unit: NW011; Dept.: 040; Div/Proj.: 0401; Activity: A; Account #: 71260 Budget Ref.: B2021. The Certification of Funds shall be filed along with this 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 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 of the City of Newark and/or his designee, and the Corporation Counsel, to enter into and execute a First Amendment to the Agreement with Lite DePalma Greenberg and Afanador, LLC, to provide legal services for litigation matters for an additional \$50,000.00, for a total contract amount not to exceed \$125,000.00, for the period of January 1, 2021 through December 31, 2021.