



Legislation Text

File #: 23-1748, Version: 1

Dept/ Agency: Economic and Housing Development

Action: (X) Ratifying (X) Authorizing () Amending

Type of Service: Professional Services Contract

Purpose: First Amendment to Agreement to provide legal services as Redevelopment and Land Use Counsel.

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 \$830,000.00

Funding Source: 2023 Budget/Department of Economic and Housing Development/NW026, Account #32100, B2023

Contract Period: March 12, 2023 through March 11, 2024

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 7R2-m adopted on April 19, 2023, awarded a contract in an amount not to exceed \$450,000.00 for the period of March 12, 2023 through March 11, 2024.

This Resolution authorizes a First Amendment to the Agreement to provide legal services as Redevelopment and Land Use Counsel and increases the contract amount by \$380,000.00, for a new total contract amount not to exceed \$830,000.00.

No Action Taken 7R2-h 111323

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 (the "Municipal Council") by Resolution 7R2-m, adopted on April 19, 2023, awarded a contract to Decotiis, Fitzpatrick, Cole & Giblin, LLP, 61 South Paramus Road, Suite 250, Paramus, New Jersey 07652, (the "Firm") to serve as Redevelopment and Land Use Counsel for matters that are currently being handled by the Firm and any new matters that may arise during the contract term, in an amount not to exceed Four Hundred Fifty Thousand Dollars and Zero Cents (\$450,000.00), for the period of March 12, 2023 through March 11, 2024; and

WHEREAS, the contract was awarded in compliance with Local Public Contracts Law, and through the fair and open process of State Pay-to-Play, and in compliance with Reform Ordinance 2:4-22C; and

WHEREAS, Decotiis, Fitzpatrick, Cole & Giblin, LLP currently has outstanding legal bills for 2023/2024 and pending legal matters; and

WHEREAS, Decotiis, Fitzpatrick, Cole & Giblin, LLP continues to vigorously represent the City of Newark in several matters for which Decotiis, Fitzpatrick, Cole & Giblin, LLP will submit bills for the remainder of the Contract year; and

WHEREAS, the outstanding legal bills for 2023/2024 and pending legal matters require an increase in the total contract amount; and

WHEREAS, Decotiis, Fitzpatrick, Cole & Giblin, LLP, represents that an additional Three Hundred Eighty Thousand Dollars and Zero Cents (\$380,000.00), is necessary for the Firm to continue to provide legal services through March 11, 2024; and

WHEREAS, the requested increase in the total contract amount is deemed reasonable and necessary to pay for legal services provided through March 11, 2024; and

WHEREAS, the increase of an additional Three Hundred Eight Thousand Dollars and Zero Cents (\$380,000.00) brings the total contract to an amount not to exceed Eight Hundred Thirty Thousand Dollars and Zero Cents (\$830,000.00), for March 12, 2023 through March 11, 2024.

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 Deputy Mayor/Director of the Department of Economic and Housing Development, 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 Decotiis, Fitzpatrick, Cole & Giblin, LLP, 61 South Paramus Road, Suite 250, Paramus, New Jersey 07652, provided through March 11, 2024 as Redevelopment and Land Use Counsel, for an additional Three Hundred Eighty Thousand Dollars and Zero Cents (\$380,000.00), for a total contract amount not to exceed Eight Hundred Thirty Thousand Dollars and Zero Cents (\$830,000.00), for the period of March 12, 2023 through March 11, 2024, to cover outstanding bills, ongoing litigation and new matters that may arise during the term of the contract.
2. The Municipal Council hereby ratifies this First Amendment of the Agreement from March 12, 2023 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 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)), 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, 2:4-22C.
5. Attached is a full Certification of Funds from the Director of Finance stating that there are available, sufficient and appropriate funds in the amount of Three Hundred and Eighty Thousand Dollars and Zero Cents (\$380,000.00), 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>
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NW026

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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 Deputy Mayor/Director of the Department of Economic and Housing Development, 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 the resolution.

STATEMENT

This resolution hereby ratifies, amends and authorizes the Mayor and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development, to enter into and execute a First Amendment to the Agreement with Decotiis, Fitzpatrick, Cole & Giblin, LLP, 61 South Paramus Road, Suite 250, Paramus, New Jersey 07652, to cover outstanding bills, ongoing and new matters that may arise during the term of the contract for Redevelopment and Land Use Counsel legal services for an additional Three Hundred Eighty Thousand Dollars and Zero Cents (\$380,000.00), for a total contract amount not to exceed Eight Hundred Thirty Thousand Dollars and Zero Cents (\$830,000.00).