



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 16-1593, Version: 1

Dept/ Agency: Law

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

Type of Service: Professional Services Contract

Purpose: Second Amendment to the Agreement to Provide Legal Services concerning Litigation Defense Matters

Entity Name: Chasan, Leyner & Lamparello, P.C.

Entity Address: 300 Lighting Way, Secaucus, New Jersey 07094

Contract Amount: \$175,000.00

Funding Source: 2016 Budget/Law Department

Contract Period: January 1, 2016 through December 31, 2016

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:

Contract for Litigation Defense matters initially awarded for \$75,000.00 by Resolution 7R7-r(s) adopted on December 16, 2015 (Legistar no.16-0876).

Contract Amount First amended and increased by \$75,000.00 by Resolution 7R7-j adopted on June 15, 2016 (Legistar no. 16-0876).

Second Amendment will increase the contract amount by \$25,000.00, not to exceed \$175,000.00.

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 of the City of Newark by Resolution 7R7-r(s), adopted on December 16, 2015, awarded a contract to Chasan, Leyner & Lamparello, P.C., 300 Lighting Way, Secaucus, New Jersey 07094, to provide legal services concerning Litigation Defense Matters, in an amount not to exceed Seventy Five Thousand Dollars and Zero Cents (\$75,000.00), for the period of January 1, 2016 through December 31, 2016; and

WHEREAS, the Municipal Council of the City of Newark, by Resolution 7R7-j, adopted on June 15, 2016, ratified, authorized the Mayor and/or his designee, the Corporation Counsel, to enter into and execute a First Amendment to the Agreement with Chasan, Leyner & Lamparello, P.C., to provide legal services as Litigation Defense Counsel for an additional Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00), for a total contract amount not to exceed One Hundred Seventy Five Thousand Dollars and Zero Cents (\$175,000.00); 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 Ordinance 2:4-22C; and

WHEREAS, Chasan, Leyner & Lamparello, P.C., have outstanding legal bills, which when paid will exhaust the total contract amount; and

WHEREAS, Chasan, Leyner & Lamparello, P.C., continues to vigorously defend the City of Newark in several cases in which bills will be submitted for the remainder of the contract year; and

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

WHEREAS, Chasan, Leyner & Lamparello, P.C. represents to the City of Newark that at least an additional Twenty Five Thousand (\$25,000.00) Dollars and Zero Cents, is necessary for it to continue to provide legal services through December 31, 2016; 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, 2016; and

WHEREAS, the increase of an additional Twenty Five Thousand Dollars and Zero Cents (\$25,000.00), brings the total contract to an amount not to exceed One Hundred Seventy Five Thousand Dollars and Zero Cents (\$175,000.00), for January 1, 2016, through December 31, 2016; and

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 Corporation Counsel, 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 Chasan, Leyner & Lamparello, P.C., 300 Lighting Way, Secaucus, New Jersey 07094, to continue providing the legal services concerning Litigation Defense Matters for an additional Twenty Five Thousand Dollars and Zero Cents (\$25,000.00), for a total contract amount not to exceed One Hundred Seventy Five Thousand Dollars and Zero Cents (\$175,000.00), for the period of January 1, 2016 through December 31, 2016, to cover outstanding bills and ongoing matters.
2. The Municipal Council hereby ratifies this Second Amendment to the Agreement to Provide Legal Services from August 1, 2016 to the date of the adoption of this resolution.
3. All other terms and conditions of the contract shall remain the same.
4. This Second 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)*), and Fair and Open Procedures of the State Pay-to-Play Law (*N.J.S.A. 19:44A-20.5*) and is in compliance with City of Newark Contractor Pay-to-Play Reform Ordinance, 2:4-22C adopted on August 1, 2012.
5. The funds for this Second 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 Finance Director, which states that funds in the amount of Twenty Five

Thousand Dollars and Zero Cents (\$25,000.00) 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.

6. A copy of the executed Second 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 hereby ratifies, amends and authorizes the Mayor and/or his designee, the Corporation Counsel, to enter into and execute a Second Amendment to the Agreement to Provide Legal Services for Litigation Defense Matters for an additional Twenty Five Thousand Dollars and Zero Cents (\$25,000.00) for a total contract amount not to exceed One Hundred Seventy Five Thousand Dollars and Zero Cents (\$175,000.00), for the period of January 1, 2016 through December 31, 2016.