



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 21-1777, 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 as Tax Appeals Counsel.

Entity Name: Nowell, P.A.

Entity Address: 155 Polifly Road, Hackensack, New Jersey 07601

Contract Amount: Not to exceed \$37,000.00

Funding Source: 2021 Budget/Law Department

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

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

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

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

Additional Information:

Resolution 7R6-b adopted on June 2, 2021, awarded a contract for the period January 1, 2021 through December 31, 2021, in an amount not to exceed \$25,000.00.

This Resolution will increase the contract amount by \$12,000.00, for a total contract amount not to exceed \$37,000.00.

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-b, adopted on June 2, 2021, awarded a contract to Nowell, P.A., 155 Polifly Road, Hackensack, New Jersey 07601, to provide legal services concerning Tax Appeals matters, in an amount not to exceed Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00), for a period of January 1, 2021 through December 31, 2021; and

WHEREAS, Nowell, P.A., has outstanding legal bills, which has exhausted the total contract amount; and; and

WHEREAS, Nowell, P.A., continues to vigorously defend the City of Newark in Tax Appeals matters in which bills have been submitted and will be submitted for the remainder of the contract year; and

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

WHEREAS, Nowell, P.A., represents to the City of Newark that an additional Twelve Thousand Dollars and Zero Cents (\$12,000.00), is necessary 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 the remainder of the contract period; and

WHEREAS, the increase of an additional Twelve Thousand Dollars and Zero Cents (\$12,000.00), brings the total contract to an amount not to exceed Thirty-Seven Thousand Dollars and Zero Cents (\$37,000.00), 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 Non-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: (i) a candidate, candidate committee or joint candidate committee of any candidate for elective municipal office in the City of Newark or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any City of Newark or County of Essex political committee or action committee that regularly engages in the support of City of Newark Municipal or County of Essex candidates, candidate committees, joint candidates committees, political committees, political party committee, (hereinafter “PAC), in excess of the thresholds specified in subsection (g) within one (1) calendar year immediately preceding the date of the contract or agreement.

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 Nowell, P.A., 155 Polifly Road, Hackensack, New Jersey 07601, to continue providing the legal services concerning Tax Appeals matters for an additional Twelve Thousand Dollars and Zero Cents (\$12,000.00) for a total contract amount not to exceed Thirty-Seven Thousand Dollars and Zero Cents (\$37,000.00) for the period of January 1, 2021 through December 31, 2021, to cover 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), as well as the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)) and is in compliance with the City of Newark's Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey, Municipal Code § 2:4-22C.

5. The funds for this First 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 Chief Financial Officer, which states that funds in the amount of Twelve Thousand Dollars and Zero Cents (\$12,000.00), line NW011, Department 040, Division 0401, Account 71260, Budget 2021 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 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 Twelve (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 for Tax Appeals matters for an additional \$12,000.00, for a total contract amount not to exceed \$37,000.00, for the period of January 1, 2021 through December 31, 2021.