



Legislation Text

File #: 20-0441, 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 Special Defense Counsel to increase the contract amount by \$600,000.00.

Entity Name: Beveridge & Diamond, P.C.

Entity Address: 1350 I Street, NW, Suite 700, Washington, D.C. 20005-3311

Contract Amount: Not to exceed \$850,000.00

Funding Source: 2020 Budget/Department of Water and Sewer Utilities/Business Unit NW037, Dept. ID 750, Div./Proj. 7502, Activity A, Account#71260, Budget Ref.: 2020

Contract Period: August 1, 2019 through July 31, 2020

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:

Original Resolution 7R6-a adopted on November 18, 2019 awarded the contract in an amount not to exceed \$250,000.00.

The First Amendment increases the contract amount by \$600,000.00 for a total contract amount not to exceed \$850,000.00.

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, adopted on November 18, 2019, awarded a Non-Fair and Open Contract to Beveridge & Diamond, P.C., 1350 I Street, NW, Suite 700, Washington, D.C. 20005-3311, to provide special legal services concerning Newark Education Workers Caucus & Natural Resources Defense Council v. City of Newark, et als., Docket No.:18-11025 filed in the United States District Court for the District of New Jersey, in an amount not to exceed Two Hundred Fifty Thousand Dollars and Zero Cents (\$250,000.00), for the period of August 1, 2019 through July 31, 2020; and

WHEREAS, Beveridge & Diamond, P.C., has outstanding legal bills, which has exhausted the total contract amount; and

WHEREAS, Beveridge & Diamond, P.C., continues to vigorously defend the City of Newark in Newark Education Workers Caucus & Natural Resources Defense Council v. City of Newark, et als., Docket No.:18-11025 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, Beveridge & Diamond, P.C., represents to the City of Newark that an additional Six Hundred Thousand Dollars and Zero Cents (\$600,000.00), 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 Six Hundred Thousand Dollars and Zero Cents (\$600,000.00) brings the total contract to an amount not to exceed Eight Hundred Fifty Thousand Dollars and Zero Cents (\$850,000.00), for August 1, 2019 through July 31, 2020; 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, 6PSF-a, adopted on August 1, 2012, 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, officer 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 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 Beveridge & Diamond, P.C., 1350 I Street, NW, Suite 700, Washington, D.C. 20005-3311, to continue providing the Legal Services concerning Newark Education Workers Caucus & Natural Resources Defense Council v. City of Newark, et als., Docket No.:18-11025 filed in the United States District Court for the District of New Jersey for an additional Six Hundred Thousand Dollars and Zero Cents (\$600,000.00) brings the total contract to an amount not to exceed Eight Hundred Fifty Thousand Dollars and Zero Cents (\$850,000.00) for the period of August 1, 2019 through July 31, 2020, to cover the outstanding legal bills.
2. The Municipal Council hereby ratifies this first contract amendment from August 1, 2019 to the date of the adoption of this resolution.
3. All other terms and conditions of the contract shall remain the same.

4. The funds for this First Amendment to the Agreement to provide legal services shall be paid from the City of Newark Budget/Department of Water and Sewer Utilities, after the issuance of a Certification of Funds from the Director of the Department of Finance, which states that funds in the amount of Six Hundred Thousand Dollars and Zero Cents (\$600,000.00) are available in the aforementioned Department of Water and Sewer Utilities budget. The Certification of Funds shall be filed along with the original resolution in the Office of the City Clerk.
5. A partial Certification of Funds in the amount of Two Hundred Fifty Thousand Dollars and Zero Cents (\$250,000.00) has been obtained from the Director of the Department of Finance.
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 and/or his designee, the Corporation Counsel, to enter into and execute a First Amendment to the Agreement to provide legal services for Special Defense Counsel for an additional Six Hundred Thousand Dollars and Zero Cents (\$600,000.00), for a total contract amount not to exceed Eight Hundred Fifty Thousand Dollars and Zero Cents (\$850,000.00) for the period of August 1, 2019 through July 31, 2020.