



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 19-1719, 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 Special Tax Counsel Matters.

Entity Name: DeCotiis Fitzpatrick Cole & Giblin, LLP

Entity Address: 500 Frank W. Burr Boulevard, Suite 31, Teaneck, New Jersey 07666

Contract Amount: Not to exceed \$200,000.00

Funding Source: 2019 Budget/Law Department

Contract Period: January 1, 2019 through December 31, 2019

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-q adopted on December 19, 2018, awarded a contract in an amount not to exceed \$175,000.00.

The First Amendment will increase the contract amount by \$25,000.00, for a new total contract amount not to exceed \$200,000.00.

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 7R6-q, adopted on December 19, 2018, awarded a contract to Decotiis Fitzpatrick Cole & Giblin, LLP, 500 Frank W. Burr Boulevard, Suite 31, Teaneck, New Jersey 07666, to provide legal services concerning Special Tax Counsel Matters, in an amount not to exceed One Hundred Seventy-Five Thousand Dollars and Zero Cents (\$175,000.00), for the period of January 1, 2019 through December 31, 2019; and

WHEREAS, Decotiis Fitzpatrick Cole & Giblin, LLP, has outstanding legal bills, which when paid will exhaust the total contract amount; and

WHEREAS, Decotiis Fitzpatrick Cole & Giblin, LLP, 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, Decotiis Fitzpatrick Cole & Giblin, LLP, represents to the City of Newark that at least an additional Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00) is necessary for it to continue to provide legal services through December 31, 2019; 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, 2019; 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 Two Hundred Thousand Dollars and Zero Cents (\$200,000.00) for January 1, 2019 through December 31, 2019; 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 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, the Corporation Counsel, are authorized 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 , 500 Frank W. Burr Boulevard, Suite 31, Teaneck, New Jersey 07666, to continue providing the legal services concerning Special Tax Counsel Matters for an additional Twenty-Five Thousand (\$25,000.00) Dollars, for a total contract amount not to exceed Two Hundred Thousand Dollars and Zero Cents (\$200,000.00), for the period of January 1, 2019 through December 31, 2019, to cover pending and existing matters.
2. The Municipal Council hereby ratifies this First Amendment to the Agreement to Provide Legal Services from on or October 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. 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)*), 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 Finance Director issued a Certification of Funds for this First Amendment to the

Agreement to Provide Legal Services in the amount of Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00) and shall be paid from the 2019 City of Newark Budget/Law Department, Business Unit: NW011; Dept.: 040; Div/Proj.: 0401; Activity: A; Account #: 71260; Budget Ref: B2019. 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 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 First Amendment to the Agreement to Provide Legal Services for Special Tax Counsel Matters for an additional Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00), for a total contract amount not to exceed Two Hundred Thousand Dollars and Zero Cents (\$200,000.00), for the period of January 1, 2019 through December 31, 2019.