Legislation Details (With Text)

File #:	13-2203	**Version:** 1	**Name:**	Hardin Contract Amendment	
Type:	Resolution		**Status:**	Filed	
File created:	11/15/2013		**In control:**	Law	
On agenda:	12/18/2013		**Final action:**	12/18/2013	

Title: Dept/ Agency: Law
Action: ( ) Ratifying (X) Authorizing (X) Amending
Type of Service: Professional Services Contract
Purpose: Litigation Defense Matters
Entity Name: Hardin, Kundla, McKeon & Poletto
Entity Address: 673 Morris Avenue, Springfield, New Jersey 07081-0730
Contract Amount: Increase contract amount by $35,000.00, to a total amount not to exceed $185,000.00
Funding Source: City of Newark Budget, Law Department
Contract Period: January 1, 2013 through December 31, 2013
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:

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
12/18/2013	1	Municipal Council	Adopt	Pass

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Additional Information:

WHEREAS, the City of Newark is involved in ongoing legal matters and therefore has a need to acquire legal services; and

WHEREAS, the City of Newark issued a Request for Qualifications for Legal Services

concerning Litigation Defense Matters on or about September 17, 2012; and

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 City of Newark by Resolution 7R7-h adopted on February 6, 2013 awarded a contract to Hardin, Kundla, McKeon & Poletto, with offices located at 673 Morris Avenue, Springfield, New Jersey 07081-0730, to provide legal services concerning Litigation Defense Matters in an amount not to exceed One Hundred Fifty Thousand Dollars ($150,000.00), for the period of January 1, 2013 through December 31, 2013; and

WHEREAS, increased and unforeseen activity in matters assigned to Hardin, Kundla, McKeon & Poletto necessitates increasing the contract amount by $35,000.00, so that the total contract amount will be an amount not to exceed $185,000.00; 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 Mayor of the City of Newark signed into law Executive Order Number MEO-07-0001 (hereinafter “Pay-to-Play Executive Order”) and the Contractor Pay-to-Play Reform Ordinance, 6PSF-a, August 12, 2012, which requires reporting of political contributions to Newark Municipal and/or County of Essex Candidates and prohibits certain political contributions during the duration of the contract.

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 an Amended Contract with Hardin, Kundla, McKeon & Poletto, to provide legal services concerning Litigation Defense Matters, as necessary for an additional $35,000.00 which would result in a total amount not to exceed One Hundred Eighty-Five Thousand Dollars ($185,000.00), for the period of January 1, 2013 through December 31, 2013, which shall cover those existing matters currently being handled by Hardin, Kundla, McKeon & Poletto, as well as new matters that may arise during the contract term.

2. All other terms and conditions of the contract shall remain the same.

3. This contract amendment 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 non-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 Executive Order on Pay-to-Play Reform, MEO-07-0001, effective March 31, 2007 and the Contractor Pay-to-Play Reform Ordinance, 6PSF-a, 080112.

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4. Pursuant to N.J.A.C. 5:30-5.5, attached hereto is a partial certification of funds from the Chief Financial Officer which states that funds in the amount of $35,000.00 are available in the 2013 Budget under Business Unit:_NW011_, Department ID:_040_, Account:_71260_. The certification of funds shall be filed along with the original resolution in the Office of the City Clerk.

5. A copy of the executed agreement herein authorized shall be filed in the Office of the City Clerk by the Corporation Counsel and shall be made available for public inspection.

6. 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 and authorizes the Mayor and/or his designee, the Corporation Counsel, to enter into and execute an Amended Contract for legal services concerning Litigation Defense Matters with Hardin, Kundla, McKeon & Poletto, 673 Morris Avenue, Springfield, New Jersey 07081-0730, as necessary for an additional $35,000.00 which would result in a total amount not to exceed One Hundred Eighty-Five Thousand Dollars ($185,000.00), for the period of January 1, 2013 through December 31, 2013.