Legislation Details (With Text)

File #:	13-2268	**Version:**	1	**Name:**	ADDED STARTER: Weiner Lesniak, LLP (Second Contract Amendment) (2013)
Type:	Resolution			**Status:**	Filed
File created:	12/2/2013			**In control:**	Law
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Title: Dept/ Agency: Law
Action: (X) Ratifying (X) Authorizing (X) Amending
Type of Service: Professional Services Contract
Purpose: To provide a second contract amendment as a result of increased and unforeseen activity in litigation defense matters.
Entity Name: Weiner Lesniak, LLP
Entity Address: 629 Parsippany Road, P.O. Box 0438, Parsippany, New Jersey 07054-0438
Contract Amount: Increasing amount by of $150,000.00 to a total contract amount not to exceed $450,000.00
Funding Source: Prudential Trust Fund
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 (X) RFQ
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a
Additional Information:
Increasing contract amount by $150,000.00 for a total contract amount not to exceed $450,000.00.
Original Resolution #7R7-iJanuary 16, 2013

Sponsors:

Indexes:

Code sections:

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

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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-i, adopted on January 16, 2013 awarded a contract to Weiner Lesniak, LLP, with offices located at 629 Parsippany Road, P.O. Box 0438, Parsippany, New Jersey 07054-0438, 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, the City of Newark by Resolution 7R7-b, adopted on July 3, 2013 to amend the contract between the City of Newark and Weiner Lesniak, LLP, to provide legal services for increased and unforeseen activity in litigation defense matters for an increased amount of One Hundred Fifty Thousand Dollars ($150,000.00) for a total contract amount not to exceed Three Hundred Thousand Dollars ($300,000.00), for the period of January 1, 2013 through December 31, 2013; and

WHEREAS, additional increased and unforeseen activity in litigation defense matters assigned to Weiner Lesniak, LLP necessitates increasing the amended contract amount by an additional One Hundred Fifty Thousand Dollars ($150,000.00), so that the total contract amount will be an amount not to exceed Four Hundred and Fifty Thousand Dollars ($450,000.00); 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, adopted on August 1, 2012, which forbids the award of a Business Entity, as defined therein, which has made or solicited political contributions to Newark Municipal Candidates and 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 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 requires reporting of political contributions to Newark Municipal 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 a second contract amendment with Weiner Lesniak, LLP, of 629 Parsippany Road, P.O. Box 0438, Parsippany, New Jersey 07054 to provide legal services for additionally increased and unforeseen activity in litigation defense matters for an additional One Hundred Fifty Thousand Dollars ($150,000.00) for a total contract amount not to exceed Four Hundred Fifty Thousand Dollars ($450,000.00), for the period of January 1, 2013 through December 31, 2013, which shall cover those existing matters currently being handled by Weiner Lesniak, LLP, as well as new matters that may arise during the contract term.

2. The Municipal Council hereby ratifies this second contract amendment from January 1, 2013 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 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 adopted on August 1, 2012.

5. The funds for this second contract amendment shall be paid from the Prudential Trust Fund, after the issuance of a Certification of Funds from the Chief Financial Officer, which states that funds in the amount of One Hundred Fifty Thousand Dollars ($150,000.00) are available in the aforementioned Prudential Trust Fund. 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 Contract Amendment 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 contract amendment for legal services concerning increased and unforeseen activity in litigation defense matters with Weiner Lesniak, LLP, of 629 Parsippany Road, P.O. Box 0438, Parsippany, New Jersey 07054, for an additional increased amount of One Hundred Fifty Thousand Dollars ($150,000.00), for a total contract amount not to exceed Four Hundred Fifty Thousand Dollars ($450,000.00), for the period of January 1, 2013 through December 31, 2013.

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