



## Legislation Details (With Text)

**File #:** 14-0551      **Version:** 1      **Name:** DeCotiis Amendment of Services  
**Type:** Resolution      **Status:** Filed  
**File created:** 4/10/2014      **In control:** Law  
**On agenda:** 5/7/2014      **Final action:** 5/7/2014  
**Title:** Dept/ Agency: Law  
Action: ☒ Ratifying ☒ Authorizing ☒ Amending  
Type of Service: Professional Services Contract  
Purpose: To amend the scope of work permitted under the contract  
Entity Name: DeCotiis, FitzPatrick & Cole, LLP  
Entity Address: Glenpointe Centre West, 500 Frank W. Burr Boulevard, Suite 31, Teaneck, New Jersey 07666  
Contract Amount: No Increase Requested (\$250,000.00)  
Funding Source: 2014 City of Newark Budget, Law Department  
Contract Period: January 1, 2014 through December 31, 2014  
Contract Basis: ☐ Bid ☐ State Vendor ☒ Prof. Ser. ☐ EUS  
☐ Fair & Open ☒ No Reportable Contributions ☐ RFP ☐ RFQ  
☐ Private Sale ☐ Grant ☐ Sub-recipient ☐ n/a  
Additional Information:  
Originating Resolution #7R7-g December 18, 2013

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
5/7/2014	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 Bond Counsel Services

on or about September 20, 2013; 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-g adopted on December 18, 2013, awarded a contract to DeCotiis Fitzpatrick & Cole, LLP, with offices located at Glenpointe Centre West, 500 Frank W. Burr Boulevard, Suite 31, Teaneck, New Jersey 07666, to provide bond counsel services in an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00), for the period of January 1, 2014 through December 31, 2014; and

**WHEREAS**, the City of Newark will benefit from and is in need of legal services in other areas; 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 enter into and execute an amended contract with to DeCotiis Fitzpatrick & Cole, LLP, with offices located at Glenpointe Centre West, 500 Frank W. Burr Boulevard, Suite 31, Teaneck, New Jersey 07666, to provide legal services relating to redevelopment law, tax abatement, local public finance law and any other areas as directed by the Corporation Counsel, for the period of January 1, 2014 through December 31, 2014 at the hourly rate of \$150.00.
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 pursuant to 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 Executive Order MEO-07-0001, effective March 31, 2007 and the Contractor Pay--to-Play Ordinance, 6PSF-A adopted on August 1, 2012.

4. A copy of the executed Amended Contract herein authorized shall be filed in the Office of the City Clerk by the Corporation Counsel and shall be made available for public inspection.
5. 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 and amends Resolution 7R7-g, December 18, 2013 (\$250,000.00) and authorizes the Mayor and/or his designee, the Corporation Counsel, to enter into and execute an amended contract expanding the scope of legal services permissible under the contract with DeCotiis Fitzpatrick & Cole, LLP, with offices located at Glenpointe Centre West, 500 Frank W. Burr Boulevard, Suite 31, Teaneck, New Jersey 07666, for the period of January 1, 2014 through December 31, 2014.