



Legislation Details (With Text)

File #: 14-1881 **Version:** 1 **Name:** Contract Amendment - Lite DePalma
Type: Resolution **Status:** Filed
File created: 11/3/2014 **In control:** Law
On agenda: 11/17/2014 **Final action:** 11/17/2014
Title: Dept/ Agency: Law
Action: ☒ Ratifying ☒ Authorizing ☒ Amending
Type of Service: Professional Services Contract Amendment
Purpose: First Amendment to Increase Contract Amount for Litigation Defense Counsel Services
Entity Name: Lite DePalma & Greenberg, LLC
Entity Address: Two Gateway Center, Suite 1201, Newark, New Jersey 07102
Contract Amount: An amount not to exceed \$100,000.00
Additional Amount: \$20,000.00
Total Amount: \$120,000.00
Funding Source: 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 ☒ Non-Fair & Open ☒ No Reportable Contributions
☐ RFP ☐ RFQ ☐ Private Sale ☐ Grant ☐ Sub-recipient ☐ n/a
Additional Information: Resolution 7R7-m December 18, 2013

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
11/17/2014	1	Municipal Council	Adopt	Pass

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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-m, adopted on December 18, 2013, awarded a contract to Lite DePalma & Greenberg, LLC, Two Gateway Center, Suite 1201, Newark, New Jersey 07102, to provide litigation defense legal services in an amount not to exceed One Hundred Thousand Dollars (\$100,000.00), for the period of January 1, 2014 through December 31, 2014; and

WHEREAS, Lite DePalma & Greenberg, LLC, have outstanding legal bills, which when paid will exhaust the total contract amount; and

WHEREAS, Lite DePalma & Greenberg, LLC, continues to vigorously defend the City of Newark in several cases, in which bills will be submitted for the months of October, November and December; and

WHEREAS, the outstanding legal bills and open cases pending require an increase in the total contract amount; and

WHEREAS, Lite DePalma & Greenberg, LLC represents to the City of Newark that an additional Twenty Thousand (\$20,000.00) Dollars is necessary for it to continue to provide legal services through December 31, 2014; and

WHEREAS, the requested increase is deemed reasonable and necessary to pay the outstanding and anticipated legal bills through December 31, 2014; and

WHEREAS, the increase of an additional Twenty Thousand (\$20,000.00) Dollars brings the total contract amount not to exceed One Hundred Twenty Thousand (\$120,000.00) Dollars, for January 1, 2014 through December 31, 2014; 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 first contract amendment with Lite, DePalma & Greenberg, LLC located at Two Gateway Center, Suite 1201, Newark, New Jersey 07102, to continue providing the contracted litigation defense services for an additional Twenty Thousand (\$20,000.00) Dollars for a total contract amount not to exceed One Hundred Twenty Thousand (\$120,000.00) Dollars, for the period of January 1, 2014 through December 31, 2014, to cover pending and existing matters.
2. The Municipal Council hereby ratifies this first contract amendment from January 1, 2014 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 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, 2012C.
5. The funds for this first contract amendment shall be paid from the City of Newark Budget/Law Department, after the issuance of a Certification of Funds from the Acting Chief Financial Officer, which states that funds in the amount of Twenty Thousand Dollars (\$20,000.00) are available in the aforementioned Law Department budget. 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 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 First Contract Amendment with Lite DePalma & Greenberg, LLC, for litigation defense services, for an additional Twenty Thousand Dollars (\$20,000.00) for a total contract amount not to exceed One Hundred Twenty Thousand Dollars (\$120,000.00), for the period of January 1, 2014 through December 31, 2014.