



Legislation Details (With Text)

File #: 15-2157 **Version:** 1 **Name:** Second Amendment Wisniewski & Associates, LLC
Type: Resolution **Status:** Filed
File created: 11/17/2015 **In control:** Law
On agenda: 12/2/2015 **Final action:** 12/2/2015

Title: Dept/ Agency: Law
Action: ☒ Ratifying ☒ Authorizing ☒ Amending
Type of Service: Professional Services Contract
Purpose: Second Amendment to the Agreement to Provide Legal Services as Special Tax Counsel to Increase Contract Amount by \$100,000.00
Entity Name: Wisniewski & Associates, LLC
Entity Address: 17 Main Street, Sayreville, New Jersey 08872
Contract Amount: Total contract amount not to exceed \$250,000.00
Funding Source: City of Newark Budget/Law Department
Contract Period: January 1, 2015 through December 31, 2015
Contract Basis: ☐ Bid ☐ State Vendor ☒ Prof. Ser. ☐ EUS
☒ Fair & Open ☐ No Reportable Contributions ☐ RFP ☐ RFQ
☐ Private Sale ☐ Grant ☐ Sub-recipient ☐ n/a
Additional Information:
Contract Awarded -Resolution 7R7-a, adopted on January 7, 2015; Contract increased - Resolution 7R7-d, adopted on September 2, 2015; Increasing contract amount by \$100,000.00, Not to Exceed \$250,000.00

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
12/2/2015	1	Municipal Council	Adopt	Pass

Dept/ Agency: Law

Action: ☒ Ratifying ☒ Authorizing ☒ Amending

Type of Service: Professional Services Contract

Purpose: Second Amendment to the Agreement to Provide Legal Services as Special Tax Counsel to Increase Contract Amount by \$100,000.00

Entity Name: Wisniewski & Associates, LLC

Entity Address: 17 Main Street, Sayreville, New Jersey 08872

Contract Amount: Total contract amount not to exceed \$250,000.00

Funding Source: City of Newark Budget/Law Department

Contract Period: January 1, 2015 through December 31, 2015

Contract Basis: ☐ Bid ☐ State Vendor ☒ Prof. Ser. ☐ EUS

☒ Fair & Open ☐ No Reportable Contributions ☐ RFP ☐ RFQ

☐ Private Sale ☐ Grant ☐ Sub-recipient ☐ n/a

Additional Information:

Contract Awarded -Resolution 7R7-a, adopted on January 7, 2015; Contract increased - Resolution 7R7-d, adopted on September 2, 2015; Increasing contract amount by \$100,000.00, Not to Exceed \$250,000.00

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 7R7-a, adopted on January 7, 2015, awarded a contract to Wisniewski & Associates, LLC, 17 Main Street, Sayreville, New Jersey 08872, to serve as Special Tax Counsel for matters that were currently being handled by Wisniewski & Associates, LLC and any new matters that may arise during the contract term, in an amount not to exceed Fifty Thousand (\$50,000.00) Dollars, for the period of January 1, 2015 through December 31, 2015; and

WHEREAS, the Municipal Council of the City of Newark, by Resolution 7R7-d, adopted on September 2, 2015, increased a contract to Wisniewski & Associates, LLC, in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000), for the period of January 1, 2015 through December 31, 2015; and

WHEREAS, the contract was awarded in compliance with Local Public Contracts Law, and through the fair and open process of State Pay-to-Play Law, and in compliance with Reform Ordinance 2:4-22c; and

WHEREAS, Wisniewski & Associates, LLC, currently has outstanding legal bills for 2015 and pending tax appeal cases, which will exhaust the total contract amount; and

WHEREAS, the outstanding legal bills for 2015 require an increase in the total contract amount; and

WHEREAS, Wisniewski & Associates, LLC, represents that at least an additional One Hundred Thousand Dollars and Zero Cents (\$100,000.00) is necessary for it to continue to provide legal services through December 31, 2015; and

WHEREAS, the requested increase in the total contract amount is deemed reasonable and necessary to pay for legal services provided through December 31, 2015; and

WHEREAS, the increase of an additional One Hundred Thousand Dollars and Zero Cents (\$100,000.00) brings the total contract to an amount not to exceed Two Hundred and Fifty Thousand Dollars and Zero Cents (\$250,000.00), for January 1, 2015 through December 31, 2015.

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 Amendment to the Agreement to Provide Legal Services with Wisniewski & Associates, LLC, 17 Main Street, Sayreville, New Jersey 08872, for legal services provided through December 2015 as Special Tax Counsel for an additional One Hundred Thousand Dollars and Zero Cents (\$100,000.00) for a total contract amount not to exceed Two Hundred and Fifty Thousand Dollars and Zero Cents (\$250,000.00) , for the period of January 1, 2015 through

December 31, 2015, ongoing matters and to cover outstanding bills.

2. The Municipal Council hereby ratifies this second contract amendment from January 1, 2015 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 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 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, 2:4-22C..
5. Attached is a full Certification of Funds from the Chief Financial Officer stating that there are available, sufficient and appropriated funds in the amount of One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for the purposes set forth herein. 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 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 Second Amendment to the Agreement with Wisniewski & Associates, LLC, 17 Main Street, Sayreville, New Jersey 08872, to Provide Legal Services for Special Tax Counsel legal services for an additional One Hundred Thousand Dollars (\$100,000.00) for a total contract amount not to exceed Two Hundred and Fifty Thousand Dollars and Zero Cents (\$250,000.00).