



Legislation Details (With Text)

File #: 14-0585 **Version:** 1 **Name:** Second Amendment: Gluck Walrath, LLP (2014)
Type: Resolution **Status:** Returned to Administration
File created: 4/17/2014 **In control:** Water Sewer Utility
On agenda: 7/9/2014 **Final action:** 7/9/2014
Title: Dept/ Agency: Water and Sewer Utilities
Action: ☒ Ratifying ☒ Authorizing ☐ Amending
Type of Service: Professional Services Contract
Purpose: To provide legal services concerning the acquisition of parcels of property for the construction of Combined Sewer Overflow Solids/Floatables Control Facilities .
Entity Name: Gluck Walrath, LLP
Entity Address: 428 Riverview Plaza, Trenton, New Jersey 08611
Contract Amount: Not to exceed \$45,000.00 (Original contract amount of \$30,000.00, increased by \$15,000.00)
Funding Source: City of Newark/Water and Sewer Utilities
Contract Period: August 1, 2013 through July 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:
Original resolution/contract 7R12-a adopted on December 18, 2013 (Period: 8/1/13 - 7/31/14)
Replacing original contract to increase the amount by \$15,000.00 for a new total contract amount not to exceed \$45,000.00.

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
7/9/2014	1	Municipal Council	Returned to Administration	Pass

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to exceed \$45,000.00.

WHEREAS, the City of Newark has entered into an Administrative Consent Order with the New Jersey Department of Environmental Protection that requires the City to construct Combined Sewer Overflow Solids/Floatables Control Facilities on specific parcels of property on which the outfall pipes exist; and

WHEREAS, the Administrative Consent Order requires the acquisition of such parcels of property through various legal channels; and

WHEREAS, the City has a need to acquire legal services to accomplish such acquisitions; 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 7R12-a adopted on December 18, 2013 awarded a contract to Gluck Walrath LLP, with offices located at 428 Riverview Plaza, Trenton, New Jersey 08611, to provide legal services concerning the acquisition of parcels of property for the construction of Combined Sewer Overflow Solids/Floatables Control Facilities in an amount not to exceed Thirty Thousand Dollars (\$30,000.00), for the period of August 1, 2013 through July 31, 2014; and

WHEREAS, increased and unforeseen activity in matters assigned to Gluck Walrath LLP, necessitate increasing the contract amount by Fifteen Thousand Dollars (\$15,000.00), so that the total contract amount will be an amount not to exceed Forty-Five Thousand Dollars (\$45,000.00); and

WHEREAS, the form of contract that was actually executed following the adoption of the above referenced Resolution 7R12-a adopted on December 18, 2013 differed, through inadvertent error, from the form of contract authorized by said resolution; 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 Acting Director of the Department of Water and Sewer Utilities, are hereby authorized and directed on behalf of the City of Newark to enter into and execute a contract amendment with Gluck Walrath LLP, 428 Riverside Plaza, Trenton New Jersey 08611, to provide legal services representing the City of Newark in all aspects assigned to them with regard to acquisition of parcels of property for the construction of Combined Sewer Overflow Solids/Floatables Control Facilities including, but not limited to, negotiation and acquisition through purchase, eminent domain and/or other legal methods (as necessary), for a new total contract amount not to exceed Forty-Five Thousand Dollars (\$45,000.00).
2. The term of the contract shall remain unchanged and is August 1, 2013 through July 31, 2014. All other terms and condition shall also remain the same.
3. Attached hereto is a copy of the Certification of Funds from the Comptroller of the City of Newark, which states that there are sufficient legally appropriated funds for the purpose her-in-above forth and that the line appropriation of the official 2001 budget, which shall be charged Business Unit NW044, Dept. ID G95 Div./Proj. S65Q0, Account 94710.
4. This contract 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.
5. A copy of the executed 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.
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 hereby ratifies and authorizes the Mayor and/or his designee, the Acting Director of the Department of Water and Sewer Utilities, to enter into and execute a contract with Gluck Walrath LLP, 428 Riverside Plaza, Trenton New Jersey 08611, to provide legal services representing the City of Newark in all aspects assigned to them with regard to acquisition of parcels of property for the construction of Combined Sewer Overflow Solids/Floatables Control Facilities in a new amount not to exceed Forty-Five Thousand Dollars (\$45,000.00) for the period of August 1, 2013 through July 31, 2014.