



Legislation Details (With Text)

File #: 18-0320 **Version:** 1 **Name:** Michael Armstrong & Associates First Amendment to the Agreement to Provide Legal Services
Type: Resolution **Status:** Adopted
File created: 3/5/2018 **In control:** Law
On agenda: 5/10/2018 **Final action:** 5/10/2018

Title: Dept/ Agency: Law
Action: (X) Ratifying (X) Authorizing (X) Amending
Type of Service: Professional Services Contract
Purpose: First Amendment to the Agreement to Provide Legal Services as Litigation Defense to Increase Contract Amount by \$42,000.00
Entity Name: Michael A. Armstrong & Associates, LLC.
Entity Address: 79 Bainbridge Lane, Willingboro, New Jersey 08046
Contract Amount: \$117,000.00
Funding Source: 2017 Budget/Law Department
Contract Period: January 1, 2017 through December 31, 2017
Contract Basis: () Bid () State Vendor (X) Prof. Ser. () EUS
(X) Fair & Open (X) No Reportable Contributions () RFP () RFQ
() Private Sale () Grant () Sub-recipient () n/a
Additional Information:
Contract Awarded by Resolution 7R6-n adopted on January 5, 2017 for \$75,000.00; Increasing Contract Amount by \$42,000.00, for a Total Contract Amount Not to Exceed \$117,000.00

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
5/10/2018	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 Municipal Council of the City of Newark, by Resolution 7R6-n, adopted on January 5, 2017, awarded a contract to Michael A. Armstrong & Associates, LLC., 79 Bainbridge Lane, Willingboro, New Jersey 07046, to serve as Litigation Defense Counsel for matters that were currently being handled by Michael Armstrong & Associates, LLC and any new matters that may arise during the contract term, in an amount not to exceed Seventy-Five Thousand (\$75,000.00) Dollars and Zero Cents, for the period of January 1, 2017 through December 31, 2017; and

WHEREAS, Michael A. Armstrong & Associates, LLC, currently has outstanding legal bills for 2017 and pending litigation matters, which will exhaust the total contract amount; and

WHEREAS, Michael A. Armstrong & Associates, LLC, continues to vigorously defend the City of Newark in several cases in which bills have been submitted for the months of October, November and December of the contract year; and

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

WHEREAS, Michael A. Armstrong & Associates, LLC, represents that at least an additional Forty-Two Thousand Dollars and Zero Cents (\$42,000.00), is necessary to cover the outstanding bills for legal services provided through December 31, 2017; and

WHEREAS, the requested increase in the total contract amount is deemed reasonable and necessary to pay for legal services provided through December 31, 2017; and

WHEREAS, the increase of an additional Forty-Two Thousand Dollars and Zero Cents (\$42,000.00), brings the total contract to an amount not to exceed One Hundred Seventeen Thousand Dollars and Zero Cents (\$117,000.00) , for January 1, 2017 through December 31, 2017; 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, the Contract was awarded pursuant to the fair and open procedures of the State Pay-to-Play Law (*N.J.S.A. 19:44A-20.5*) and pursuant to the provisions of the Local Public Contracts Law (*N.J.S.A. 40A:11-5(1)(a)(i)*); and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey, Municipal Code § 2:4-22C et seq., which forbids the award of a contract to a Business Entity, as defined therein, which has made or solicited political contributions to (i) a candidate, candidate committee or joint candidate committee of any candidate for elective municipal office in the City of Newark or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any City of Newark or County of Essex political committee or action committee that regularly engages in the support of City of Newark Municipal or County of Essex candidates, candidate committees, joint candidates committees, political committees, political party committee, (hereinafter "PAC"), in excess of the thresholds specified in subsection (g) within one (1) calendar year immediately preceding the date of the contract or agreement.

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 Corporation Counsel, are hereby authorized on behalf of the City of Newark to execute a First Amendment to the Agreement to Provide Legal Services with Michael A. Armstrong & Associates, LLC, 79 Bainbridge Lane, Willingboro, New Jersey 08046, for legal services provided through December 2017 as Litigation Defense Counsel for an additional Forty Two Thousand Dollars and Zero Cents (\$42,000.00), for a total contract amount not to exceed One Hundred Seventeen Thousand Dollars and Zero Cents (\$117,000.00), for the period of January 1, 2017 through December 31, 2017, to cover outstanding bills.
2. The Municipal Council hereby ratifies this first contract amendment from October 1, 2017 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 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 pursuant to the fair and open procedures of the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5), as well the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)) and is in compliance with the City of Newark's Contractor Pay-to-Play Reform Ordinance, Newark, New Jersey, Municipal Code § 2:4-22C.
5. The funds for this First Amendment to the Agreement to Provide Legal Services shall be paid from the City of Newark Budget/Law Department, after the issuance of a Certification of Funds from the Director of Finance, which states that funds in the amount of Forty-Two Thousand Dollars and Zero Cents (\$42,000.00), 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 Amendment to the Agreement to Provide Legal Services herein authorized shall be filed in the Office of the City Clerk by the Acting 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 ratifies, amends and authorizes the Mayor and/or his designee, the Acting Corporation Counsel, to enter into and execute a First Amendment to the Agreement with Michael A. Armstrong & Associates LLC, 79 Bainbridge Lane, Willingboro, New Jersey 08046, to Provide Legal Services for Litigation Defense Counsel for an additional Forty-Two Thousand Dollars and Zero Cents (\$42,000.00), for a total contract amount not to exceed One Hundred Seventeen Thousand Dollars and Zero Cents (\$117,000.00).

