



Legislation Details (With Text)

File #: 19-0409 **Version:** 1 **Name:** Beveridge & Diamond First Amendment to the Agreement to Provide Legal Services
Type: Resolution **Status:** Adopted
File created: 3/8/2019 **In control:** Law
On agenda: 5/15/2019 **Final action:** 5/15/2019

Title: Dept/ Agency: Law
Action: (X) Ratifying (X) Authorizing (X) Amending
Type of Service: Professional Services Contract
Purpose: 1st Amendment to the Agreement to provide legal services concerning Special Defense Counsel.
Entity Name: Beveridge & Diamond, P.C.
Entity Address: 1350 I Street, NW, Suite 700, Washington, D.C. 20005
Contract Amount: \$600,000.00
Funding Source: 2018 Budget/Law Department
Contract Period: August 1, 2018 through July 31, 2019
Contract Basis: () Bid () State Vendor (X) Prof. Ser. () EUS
() Fair & Open (X) No Reportable Contributions () RFP () RFQ
() Private Sale () Grant () Sub-recipient () n/a
Additional Information:
Original Resolution 7R6-c adopted on October 11, 2018, awarded the contract in an amount not to exceed \$100,000.00.
The 1st Amendment will increase the contract amount by \$500,000.00, for a total contract amount not to exceed \$600,000.00.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
5/15/2019	1	Municipal Council	Adopted	Pass

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Original Resolution 7R6-c adopted on October 11, 2018, awarded the contract in an amount not to exceed \$100,000.00.
The 1st Amendment will increase the contract amount by \$500,000.00, for a total contract amount not

to exceed \$600,000.00.

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 7R6-c, adopted on October 11, 2018, awarded a non-fair and open contract to Beveridge & Diamond, P.C., 1350 I Street, NW, Suite 700, Washington, D.C. 20005, to provide special legal services concerning *Newark Education Workers Caucus & Natural Resources Defense Council v. City of Newark, et als.*, Docket No.:18-11025 filed in the United States District Court for the District of New Jersey, in an amount not to exceed One Hundred Thousand Dollars (\$100,000.00), for the period of August 1, 2018 through July 31, 2019; and

WHEREAS, Beveridge & Diamond, P.C., has outstanding legal bills which were submitted on or before October 1, 2018, which when paid will exhaust the total contract amount; and

WHEREAS, Beveridge & Diamond, P.C., continues to vigorously defend the City of Newark in *Newark Education Workers Caucus & Natural Resources Defense Council v. City of Newark, et als.*, Docket No.:18-11025 in which bills will be submitted for the remainder of the contract year; and

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

WHEREAS, Beveridge & Diamond, P.C. represents to the City of Newark that at least an additional Five Hundred Thousand Dollars and Zero Cents (\$500,000.00) is necessary for it to continue to provide Legal Services through July 31, 2019; and

WHEREAS, the requested increase in the total contract amount is deemed reasonable and necessary to pay the outstanding and anticipated legal bills through July 31, 2019; and

WHEREAS, the increase of an additional Five Hundred Thousand Dollars and Zero Cents (\$500,000.00) brings the total contract to an amount not to exceed Six Hundred Thousand Dollars and Zero Cents (\$600,000.00); 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 Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, 6PSF-a, August 1, 2012, which forbids the award of a contract to a Business Entity, as defined therein, which has made or solicited political contributions to Newark Municipal Candidates, 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 or County of Essex; 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.

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 Amendment to the Agreement to Provide Legal Services with Beveridge & Diamond, P.C., 1350 I Street, NW, Suite 700, Washington, D.C. 20005, to continue providing the Legal Services concerning *Newark Education Workers Caucus & Natural Resources Defense Council v. City of Newark, et als.*, Docket No.:18-11025 filed in the United States District Court for the District of New Jersey for an additional Five Hundred Thousand Dollars and Zero Cents (\$500,000.00) for a total contract amount not to exceed Six Hundred Thousand Dollars and Zero Cents (\$600,000.00), to continue to provide legal services through July 31, 2019.
2. The Municipal Council ratifies this First Amendment to the Agreement to Provide Legal Services from August 1, 2018 to the date of the adoption of this resolution.
3. All other terms and conditions of the contract shall remain the same.
4. Pursuant to *N.J.A.C. 5:30-5.5(a)*, Temporary Budget, attached is the Chief Finance Officer's Certification, which states partial funds in the amount of \$50,000.00 are available in the 2019 Temporary Budget, Business Unit NW011, Dept. 040, Account 71260, the balance to be provided in the 2018 Adopted Budget. The Certification shall be filed, along with the original resolution and the executed contract in the Office of the City Clerk.
5. 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 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 ratifies, amends and authorizes the Mayor and/or his designee, the Corporation Counsel, to enter into and execute a First Amendment to the Agreement to Provide Legal Services for Special Defense Counsel for an additional Five Hundred Thousand Dollars and Zero Cents (\$500,000.00) for a total contract amount not to exceed Six Hundred Thousand Dollars and Zero Cents (\$600,000.00) to continue to provide Legal Services through July 31, 2019.