



## Legislation Details (With Text)

**File #:** 19-1464      **Version:** 1      **Name:** Beveridge & Diamond, P.C. Second Amendment to the Agreement to Provide Legal Services  
**Type:** Resolution      **Status:** Adopted  
**File created:** 9/12/2019      **In control:** Law  
**On agenda:** 10/2/2019      **Final action:** 10/2/2019

**Title:** Dept/ Agency: Law  
Action: (X) Ratifying (X) Authorizing (X) Amending  
Type of Service: Professional Services Contract  
Purpose: Second Amendment to the Agreement to provide legal services as Special Defense Counsel for an increased contract amount of \$241,900.28  
Entity Name: Beveridge & Diamond, P.C.  
Entity Address: 1350 I Street, NW, Suite 700, Washington, D.C. 20005  
Contract Amount: Not to exceed \$841,900.28  
Funding Source: 2019 Budget/Department of Water and Sewer Utilities  
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, 2019 awarded a contract in an amount not to exceed \$100,000.00  
The First Amendment Resolution 7R6-b adopted on May 15, 2019 increased the contract amount by \$500,000.00 for a new total contract amount not to exceed \$600,000.00.  
The Second Amendment will increase the contract amount by an additional \$241,900.28 for a new total contract amount not to exceed \$841,900.28.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
10/2/2019	1	Municipal Council	Adopt	Pass

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The Second Amendment will increase the contract amount by an additional \$241,900.28 for a new total contract amount not to exceed \$841,900.28.

**WHEREAS**, Resolution 7R6-c, adopted on October 11, 2018, authorized the Business Administrator and Corporation Counsel to enter into and execute a contract with Beveridge & Diamond, P.C. to provide legal services concerning Newark Education Workers Caucus & Natural Resources Defense Council v. City of Newark, et al., Docket No.:18-11025, filed in the United States District Court for the District of New Jersey for an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00) from August 1, 2018 to July 31, 2019; and

**WHEREAS**, on May 15, 2019, the Municipal Council adopted Resolution 7R6-b, which ratified, amended and authorized the Mayor and/or his designee, the Corporation Counsel, to enter into and execute the First Amendment to agreement to provide legal services for Special Defenses 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; and

**WHEREAS**, Beveridge & Diamond, P.C. currently have outstanding legal bills from March through July 2019 for a total amount of Two Hundred Forty-One Thousand Nine Hundred Dollars and Twenty-Eight Cents (\$241,900.28); 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 have been submitted for March through July 2019; and

**WHEREAS**, the outstanding legal bills and open case pending require an increase in the total contract amount; 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 Two Hundred Forty-One Thousand Nine Hundred Dollars and Twenty-Eight Cents (\$241,900.28), brings the total contract to an amount not to exceed Eight Hundred Forty-One Thousand Nine Hundred Dollars and Twenty-Eight Cents (\$841,900.28) for August 1, 2018 to July 31, 2019.

**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 authorized on behalf of the City of Newark to execute the Second Amendment to the agreement 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 al., Docket No.:18-11025 filed in the United States District Court for the District of New Jersey for an additional Two Hundred Forty-One Thousand Nine Hundred Dollars and Twenty-Eight Cents (\$241,900.28) for a

total contract amount not to exceed Eight Hundred Forty-One Thousand Nine Hundred Dollars and Twenty-Eight Cents (\$841,900.28) for August 1, 2018 to July 31, 2019.

2. The Municipal Council ratifies the Second Amendment to the Agreement from March 2019 to the date of the adoption of this resolution.
3. All other terms and conditions of the contract shall remain the same.
4. A fully executed copy of the Second Amendment to the Agreement to provide legal services shall be filed in the Office of the City Clerk by the Corporation Counsel and shall be made available for public inspection.
5. Sufficient funds for the Second Amendment to the Agreement to provide legal services have been certified by the Director of Finance in the amount of Two Hundred Forty-One Thousand Nine Hundred Dollars and Twenty-Eight Cents (\$241,900.28) from Business Unit NW037, Department 750, Division/Project 7502, Activity A, Account #71260, and Business Reference B2019. A copy of the Certification of Funds issued shall be filed in the Office of the City Clerk together with this resolution by the Corporation Counsel.
6. No further amendments or modifications of this amended contract shall be permitted without prior Municipal Council approval.
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 and authorizes the Mayor and/or his designee, the Corporation Counsel, to enter into and execute the Second Amendment to the Agreement with Beveridge & Diamond, P.C., 1350 I Street, NW, Suite 700, Washington, D.C. 20005, to continue providing legal services concerning Newark Education Workers Caucus & Natural Resources Defense Council v. City of Newark, et al., Docket No. 18-11025 filed in the United States District Court for the District of New Jersey for an additional Two Hundred Forty-One Thousand Nine Hundred Dollars and Twenty-Eight Cents (\$241,900.28) for a total contract amount not to exceed Eight Hundred Forty-One Thousand Nine Hundred Dollars and Twenty-Eight Cents (\$841,900.28) for August 1, 2018 to July 31, 2019.