



Legislation Details (With Text)

File #: 20-0471 **Version:** 1 **Name:** Michael Armstrong & Associates First Amendment to Agreement for Professional Services

Type: Resolution **Status:** Adopted

File created: 4/1/2020 **In control:** Law

On agenda: 5/6/2020 **Final action:** 5/6/2020

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 Redevelopment Counsel to increase the contract amount by \$70,678.91.
Entity Name: Michael A. Armstrong & Associates, LLC
Entity Address: 79 Mainbridge Lane, Willingboro, New Jersey 08046
Contract Amount: \$145,678.91
Funding Source: 2019 Budget/Department of Law/Business Unit NW011; Dept. 206; Activity A; Div./Proj. 2061; Account #71260; Budget Ref: B2019
Contract Period: January 1, 2019 through December 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:
Resolution 7R6-p, adopted on December 9, 2018 awarded a contract in an amount not to exceed \$75,000.00.
The First Amendment will increase the contract amount by \$70,678.91 for a total contract amount not to exceed \$145,678.91.

Sponsors: Council of the Whole

Indexes:

Code sections:

| Date | Ver. | Action By | Action | Result |
|----------|------|-------------------|--------|--------|
| 5/6/2020 | 1 | Municipal Council | Adopt | Pass |

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\$75,000.00.

The First Amendment will increase the contract amount by \$70,678.91 for a total contract amount not to exceed \$145,678.91.

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 by Resolution 7R6-p, adopted on December 9, 2018, awarded a contract to Michael A. Armstrong & Associates, LLC., 79 Mainbridge Lane, Willingboro, New Jersey 07046, to serve as Redevelopment Counsel for matters that were currently handled by Michael A. Armstrong & Associates, LLC and any new matters that may arise during the contract term, in an amount not to exceed Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00), for the period of January 1, 2019 through December 31, 2019; and

WHEREAS, Michael A. Armstrong & Associates, LLC, currently has outstanding legal bills for 2019 which exhausted the total contract amount; and

WHEREAS, Michael A. Armstrong & Associates, LLC, submitted bills for the months of October, November and December of the contract year that have not been paid; and

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

WHEREAS, Michael A. Armstrong & Associates, LLC, represents that at least an additional Seventy Thousand Six Hundred Seventy-Eight Hundred Dollars and Ninety-One Cents (\$70,678.91), is necessary to cover the outstanding bills for legal services provided through December 31, 2019; and

WHEREAS, the requested increase in the total contract amount is deemed reasonable and necessary to pay for legal services provided through December 31, 2019; and

WHEREAS, the increase of an additional Seventy Thousand Six Hundred Seventy-Eight Hundred Dollars and Ninety-One Cents (\$70,678.91), brings the total contract to an amount not to exceed One Hundred Forty-Five Thousand Six Hundred Seventy-Eight Hundred Dollars and Ninety-One Cents (\$145,678.91) for January 1, 2019, through December 31, 2019; 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, 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 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 as Redevelopment Counsel with Michael A. Armstrong & Associates, LLC, 79 Mainbridge Lane, Willingboro, New Jersey 08046, for legal services provided through December 2019 for an additional Seventy Thousand Six Hundred Seventy-Eight Dollars and Ninety-One Cents (\$70,678.91), for a total contract amount not to exceed One Hundred Forty-Five Thousand Six Hundred Seventy-Eight Dollars and Ninety-One Cents (\$145,678.91), for the period of January 1, 2019 through December 31, 2019, to cover outstanding bills.
2. The Municipal Council hereby ratifies this first contract amendment from January 1, 2019 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 being 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 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 Business Unit NW011; Dept. 206; Div./Proj. 2061; Account #71260; Budget Ref: B2019, after the issuance of a Certification of Funds from the Director of Finance, which states that funds in the amount of Seventy Thousand Six Hundred Seventy-Eight Dollars and Ninety-One Cents (\$70,678.91) are available in the aforementioned 2019 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 as Redevelopment Counsel 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 ratifies, amends and authorizes the Mayor and/or his designee, the

Corporation Counsel, to enter into and execute a First Amendment to the Agreement with Michael A. Armstrong & Associates, LLC, 79 Mainbridge Lane, Willingboro, New Jersey 08046, to provide legal services for Redevelopment Counsel for an additional Seventy Thousand Six Hundred Seventy-Eight Dollars and Ninety-One Cents (\$70,678.91), for a total contract amount not to exceed One Hundred Forty-Five Thousand Six Hundred Seventy-Eight Dollars and Ninety-One Cents (\$145,678.91).