



## Legislation Details (With Text)

**File #:** 20-0521 **Version:** 1 **Name:** Maraziti Falcon Professional Service Contract - Environmental Counsel

**Type:** Resolution **Status:** Adopted

**File created:** 4/22/2020 **In control:** Law

**On agenda:** 6/24/2020 **Final action:** 6/24/2020

**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 Environment Counsel to increase the contract amount by \$100,000.00.  
Entity Name: Maraziti Falcon, LLP  
Entity Address: 150 John F. Kennedy Parkway, Short Hills, New Jersey 07078  
Contract Amount: Not to exceed \$200,000.00  
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 ( ) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
Additional Information:  
Resolution 7R6-f adopted on December 19, 2018, awarded a contract in an amount not to exceed \$100,000.00.  
The First Amendment will increase the contract amount by \$100,000.00, for a total contract amount not to exceed \$200,000.00.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
6/24/2020	1	Municipal Council	Adopt	Pass

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\$100,000.00.

The First Amendment will increase the contract amount by \$100,000.00, for a total contract amount not to exceed \$200,000.00.

**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, by Resolution 7R6-f, adopted on December 19, 2018, awarded a contract to Maraziti Falcon, LLP, 150 John F. Kennedy Parkway, Short Hills, New Jersey 07078, (the “Firm”), to provide Professional Legal Services and serve as Environmental Counsel for matters that were currently being handled by the Firm, and any new matters that may arise during the contract term, in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for the period of January 1, 2019 through December 31, 2019; and

**WHEREAS**, the contract was awarded in compliance with Local Public Contracts Law ( N.J.S.A. 40A:11-5(1)(a)(i)); and through the Fair and Open process of the State Pay-to-Play, and in compliance with the City Contractor Pay-to-Play Reform Ordinance 2:4-22c; and

**WHEREAS**, Maraziti Falcon, LLP, continues to vigorously represent the City of Newark in several cases in which invoices have been submitted for the remainder of the 2019 contract year; and

**WHEREAS**, the Firm is handling several matters involving superfund sites and major undertakings by the United States Department of Environmental Protection and the New Jersey Department of Environmental Protection which required immediate attention and the investment of significant time; and

**WHEREAS**, the outstanding legal invoices for 2019, specifically August 1, 2019 through December 31, 2019, require an increase in the total contract amount; and

**WHEREAS**, the Corporation Counsel confirms that the Firm has performed and rendered services for the period of the outstanding invoices; and

**WHEREAS**, Maraziti Falcon, LLP, represents that an additional One Hundred Thousand Dollars and Zero Cents (\$100,000.00), is necessary to cover the cost of legal services performed by the Firm from August 1, 2019, through December 31, 2019; and

**WHEREAS**, the requested increase in the total contract amount is deemed reasonable and necessary to pay the outstanding legal bills from August 1, 2019 through December 31, 2019; and

**WHEREAS**, the approval of an additional One Hundred Thousand Dollars and Zero Cents (\$100,000.00) brings the total contract to an amount not to exceed Two Hundred Thousand Dollars and Zero Cents (\$200,000.00).

**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 a First Amendment to the Professional Services Contract with Maraziti Falcon, LLP, 150 John F. Kennedy Parkway, Short Hills, New Jersey 07078, to continue providing Legal Services for Environmental Matters for an additional One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for a total contract amount not to exceed Two Hundred Thousand Dollars and Zero Cents (\$200,000.00), to cover the cost of legal services performed by the Firm from August 1, 2019 through December 31, 2019, for the contract period of January 1, 2019 through December 31, 2019.

2. The Municipal Council hereby ratifies this First 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 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 Fair and Open Procedures of the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5) and is in compliance with the Contractor Pay-to-Play Reform Ordinance, 2:4-22C.
5. Attached is a Certification of Funds from the Director of Finance stating that there are available, sufficient, legally appropriated funds in the amount of One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for the purposes set forth herein and the line appropriations which shall be charged are as follows:

<u>Business Unit</u>	<u>Dept. ID</u>	<u>Div./Proj.</u>	<u>Account#</u>	<u>Budget Ref.:</u>
NW011	206	2061	71260	B2019

6. The Corporation Counsel shall file a copy of the executed First Amendment to the Agreement to provide Legal Services in the Office of the City Clerk by and the same 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 its Professional Legal Services Agreement for Environmental Counsel with Maraziti Falcon, LLP, 150 John F. Kennedy Parkway, Short Hills, New Jersey 07078, for an additional One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for a total contract amount not to exceed Two Hundred Thousand Dollars and Zero Cents (\$200,000.00), to cover the cost of legal services performed by the Firm from August 1, 2019 through December 31, 2019, for the contract period of January 1, 2019 through December 31, 2019.

