



Legislation Details (With Text)

File #: 23-0034 **Version:** 1 **Name:** Resolution: First Amendment to Professional Services Contract - Michael Armstrong & Associates, LLC

Type: Resolution **Status:** Adopted

File created: 1/6/2023 **In control:** Law

On agenda: 1/18/2023 **Final action:** 1/18/2023

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 concerning Litigation Matters.
Entity Name: Michael A. Armstrong and Associates, LLC
Entity Address: Willingboro, New Jersey 08043
Contract Amount: Not to exceed \$208,050.00
Additional Amount: Not to exceed \$133,050.00
Funding Source: 2022 Budget/Law Department
Contract Period: January 1, 2022 through December 31, 2022
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:
Resolution 7R6-c adopted on April 6, 2022, awarded a contract for the period of January 1, 2022 through December 31, 2022 for an amount not to exceed \$75,000.00.
This First Amendment will increase the contract amount by \$133,050.00, for a new total contract amount not to exceed \$208,050.00.

Sponsors: Council of the Whole

Indexes:

Code sections:

| Date | Ver. | Action By | Action | Result |
|-----------|------|-------------------|--------|--------|
| 1/18/2023 | 1 | Municipal Council | Adopt | Pass |

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This First Amendment will increase the contract amount by \$133,050.00, for a new total contract amount not to exceed \$208,050.00.

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-c, adopted on April 06, 2022, awarded a contract to Michael A. Armstrong and Associates, LLC, of Willingboro, New Jersey 08043, to provide legal services as Litigation Defense Counsel, in an amount not to exceed Seventy Five Thousand Dollars and Zero Cents (\$75,000.00), for a period of January 1, 2022 through December 31, 2022; and

WHEREAS, Michael A. Armstrong and Associates, LLC, on or about March 2022 expended the Seventy Five Thousand Dollars and Zero Cents (\$75,000.00) and continued to provide legal services at the request of the Corporation Counsel for the remainder of the contract period; and

WHEREAS, the outstanding legal invoices require an increase in the total contract amount of One Hundred Thirty-Three Thousand Fifty Dollars and Zero Cents (\$133,050.00) to cover the outstanding legal invoices from on or about March 1, 2022 through December 31, 2022; and

WHEREAS, the requested increase in the total contract amount is deemed reasonable and necessary to pay the outstanding legal invoices through the remainder of the contract period; and

WHEREAS, the increase of an additional One Hundred Thirty-Three Thousand Fifty Dollars and Zero Cents (\$133,050.00), brings the total contract to an amount not to exceed Two Hundred Eight Thousand Fifty Dollars and Zero Cents (\$208,050.00) for January 1, 2022 through December 31, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Mayor of the City of Newark and/or his designee, the Corporation Counsel, on behalf of the City of Newark, are authorized to enter into and execute a First Amendment to the Agreement to provide legal services with Michael A. Armstrong and Associates, LLC, of Willingboro, New Jersey 08043, to continue providing legal services concerning Litigation Defense Matters for an additional One Hundred Thirty-Three Thousand Fifty Dollars and Zero Cents (\$133,050.00) for a total contract amount not to exceed Two Hundred Eight Thousand Fifty Dollars and Zero Cents (\$208,050.00) for the period of January 1, 2022 through December 31, 2022, to cover the outstanding legal invoices from on or about May 1, 2022 through December 31, 2022.
2. The Municipal Council hereby ratifies this First Amendment to the Agreement to provide legal services from March 1, 2022 to the date of the adoption of this Resolution.
3. All other terms and conditions of the Contract shall remain the same.
4. 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 Chief Financial Officer, which states that funds in the amount of One Thirty-Three Thousand Fifty

Dollars and Zero Cents (\$133,050.00) line item: Business Unit NW011, Dept. 040, Div./Proj. 0401, Account #71260, Budget 2022 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.

5. The Corporation Counsel shall file a copy of the executed First Amendment to the Agreement to provide legal services herein authorized in the Office of the City Clerk and the same 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 of the City of Newark and/or his designee, the Corporation Counsel, to enter into and execute a First Amendment to the Agreement with Michael A. Armstrong and Associates, LLC, of Willingboro, New Jersey 08043, to provide legal services concerning Litigation Matters, for an additional \$133,050.00 for a total contract amount not to exceed \$208,050.00, for the period of January 1, 2022 through December 31, 2022.