



## Legislation Details (With Text)

**File #:** 23-0284 **Version:** 1 **Name:** Resolution: DeCotiis, Fitzpatrick, Cole and Giblin, LLP - First Amendment to Professional Services Contract (2022-2023)

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

**File created:** 2/16/2023 **In control:** Economic and Housing Development

**On agenda:** 3/15/2023 **Final action:** 3/15/2023

**Title:** Dept/ Agency: Economic and Housing Development  
Action: (X) Ratifying (X) Authorizing (X) Amending  
Type of Service: Professional Services Contract  
Purpose: First Amendment to the Agreement to provide legal services concerning Redevelopment and Land Use Matters.  
Entity Name: Decotiis, Fitzpatrick, Cole and Giblin, LLP  
Entity Address: 61 South Paramus Road, Suite 250, Paramus, New Jersey 07652  
Contract Amount: Not to exceed \$575,000.00  
Funding Source: 2023 Budget/Department of Economic and Housing Development/NW026, Account #32100, B2023  
Contract Period: March 12, 2022 through March 11, 2023  
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 7R2-m(S) adopted on May 24, 2022, awarded a contract in an amount not to exceed \$350,000.00, for a contract period of March 12, 2022 through March 11, 2023.

This First Amendment increases the contract amount by \$225,000.00, for a new total contract amount not to exceed \$575,000.00.

**Sponsors:** Council of the Whole

### Indexes:

### Code sections:

Date	Ver.	Action By	Action	Result
3/15/2023	1	Municipal Council	Adopt	Pass

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**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 7R2-m(S), adopted on May 24, 2022, awarded a contract to Decotiis, Fitzpatrick, Cole and Giblin, LLP, 61 South Paramus Road, Suite 250, Paramus, New Jersey 07652, (the "Firm") to provide legal services concerning Redevelopment and Land Use Matters, in an amount not to exceed Three Hundred Fifty Thousand Dollars and Zero Cents (\$350,000.00), for the period of March 12, 2022 through March 11, 2023; and

**WHEREAS**, the contract was awarded in compliance with Local Public Contracts Law, through the Fair and Open Process, pursuant to N.J.S.A. 19:44A-20.5, and is in compliance with the State Pay-to-Play; and

**WHEREAS**, the Firm currently has outstanding legal bills for 2022/2023 and pending legal matters, which have exhausted the 2022 contract amount; and

**WHEREAS**, the Firm continues to vigorously represent the City of Newark (the "City") in several matters in which bills have been submitted and will be submitted for the remainder of the contract year; and

**WHEREAS**, the outstanding legal bills, anticipated bills and open pending legal matters require an increase in the total contract amount; and

**WHEREAS**, the Firm, represents to the City that an additional Two Hundred Twenty-Five Thousand Dollars and Zero Cents (\$225,000.00) is necessary to continue to provide legal services through March 11, 2023, and to cover the outstanding legal bills; and

**WHEREAS**, the requested increase in the total contract amount is deemed reasonable and necessary to pay the outstanding and anticipated legal bills through March 11, 2023; and

**WHEREAS**, the increase of an additional Two Hundred Twenty-Five Thousand Dollars and Zero Cents (\$225,000.00) brings the total contract to an amount not to exceed Five Hundred Seventy-Five Thousand Dollars and Zero Cents (\$575,000.00), for services provided from March 12, 2022 through March 11, 2023; and

**WHEREAS**, the Local Public Contract 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.

**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 Deputy Mayor/Director of the Department of Economic and Housing Development are hereby authorized and directed on behalf of the City of Newark to enter into and execute a First Amendment to the Agreement with Decotiis, Fitzpatrick, Cole and Giblin, LLP, 61 South Paramus Road, Suite 250, Paramus, New Jersey 07652, to continue providing legal services concerning Redevelopment and Land Use Matters, for an additional amount of Two Hundred Twenty-Five Thousand Dollars and Zero Cents (\$225,000.00) for a total contract amount not to exceed Five Hundred Seventy-Five Thousand Dollars and Zero Cents (\$575,000.00), for the period of March 12, 2022 through March 11, 2023, to cover outstanding bills, ongoing litigation and new matters that may arise during the term of the contract.
2. The Municipal Council hereby ratifies this First Amendment to the Agreement to provide legal services from March 12, 2022, 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 pursuant to the 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, Newark, New Jersey Municipal Code §2:4-22C.
5. The Director of the Department of Finance issued a Certification of Funds for the First Amendment to the Agreement to provide legal services in the amount of Two Hundred Twenty-Five Thousand Dollars and Zero Cents (\$225,000.00) and the line appropriations which shall be charged is as follows:

<u>Bus. Unit</u>	<u>Dept.</u>	<u>Div/Proj.</u>	<u>Activity</u>	<u>Acct. #</u>	<u>Bud Ref.</u>
NW026				32100	B2023
6. 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 Deputy Mayor/Director of the Department of Economic and Housing Development, 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 hereby ratifies, amends and authorizes the Mayor of the City of Newark and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development, to enter into and execute a First Amendment to the Agreement to provide legal services with Decotiis, Fitzpatrick, Cole and Giblin, LLP, 61 South Paramus Road, Suite 250, Paramus, New Jersey 07652, for Redevelopment and Land Use Matters, for an additional \$225,000.00, for a total contract amount not to exceed \$575,000.00.

