



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 13-0925, Version: 1

..Title

Dept/ Agency: Law

Action: () Ratifying (X) Authorizing (X) Amending

Type of Service: Professional Services Contract

Purpose: Litigation Defense

Entity Name: Weiner Lesniak LLP

Entity Address: 629 Parsippany Road, PO Box 0438, Parsippany, New Jersey 07054

Contract Amount: Not to exceed \$300,000.00

Funding Source: Prudential/Trust Fund

Contract Period: January 1, 2013 through December 31, 2013

Contract Basis: () Bid () State Vendor (X) Prof. Ser. () EUS

(x) Fair & Open () No Reportable Contributions () RFP (x) RFQ

() Private Sale () Grant () Sub-recipient () n/a

Additional Information:

This Resolution seeks to increase the original contract amount by \$150,000.00 to a total contract amount of \$300,000.00

WHEREAS, the City of Newark is involved in ongoing complex litigation defense and therefore has a need for continued legal services; and

WHEREAS, pursuant to Resolution 7R7-i-, adopted on January 16, 2013, the City of Newark (hereinafter "City") is currently under contract with Weiner Lesniak LLC (hereinafter "Weiner Lesniak"), 629 Parsippany Road, PO Box 0438, Parsippany, New Jersey 07054, to provide legal services concerning litigation defense for the period of January 1, 2013 through December 31, 2013, for an amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00) (hereinafter "Agreement") and is satisfied with the legal services rendered; and

WHEREAS, as a result of ongoing litigation, the City of Newark seeks to amend the terms of

the existing Agreement between the City and Weiner Lesniak LLC to increase the funds available by One Hundred Fifty Thousand Dollars (\$150,000.00) for a total contract amount not to exceed Three Hundred Thousand Dollars (\$300,000.00), for the period of January 1, 2013 through December 31, 2013; 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 is for an amount over \$17,500 and was awarded pursuant to a "non-fair and open process" pursuant to N.J.S.A. 19:44A-20.5

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 of the City of Newark are hereby authorized and directed on behalf of the City of Newark to enter into a First Amendment Agreement with Weiner Lesniak LLC, located at 629 Parsippany Road, PO Box 0438, Parsippany, New Jersey 07054, to provide legal services concerning litigation defense matters by increasing the amount of funds available by One Hundred Fifty Thousand Dollars (\$150,000.00) for a total contract amount not to exceed Three Hundred Thousand Dollars (\$300,000.00) for the period of January 1, 2013 through December 31, 2013.
2. This contract was awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(a)(i) of the Local Public Contracts Law because the performance of the service required must be performed by someone who is licensed to practice law in the State of New Jersey.
3. This contract was awarded pursuant to the non-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 Pay-to-Play Executive Order.
4. This contract is an open-ended contract to be used as needed during the term of the contract. Thus, for any and all expenditures against this contract, a certification of the availability of sufficient funds, as required by N.J.A.C. 5:30-5.5(b)(2), shall be executed before a contractual liability is incurred each time an order is placed, covering the amount of the order.
5. A copy of the executed agreement herein authorized shall be filed in the Office of the City Clerk by the Corporation Counsel and 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 authorizes the Mayor and/or the Corporation Counsel of the City of Newark to enter into and execute a First Amendment Agreement to Provide Legal Services concerning litigation defense matters with Weiner Lesniak LLC, 629 Parsippany Road, PO Box 0438, Parsippany, New Jersey 07054, by increasing the funds available by One Hundred Fifty Thousand Dollars (\$150,000.00) for a total contract amount not to exceed Three Hundred Thousand Dollars (\$300,000.00), for the period of January 1, 2013 through December 31, 2013.