



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 14-1877, Version: 1

Dept/ Agency: Law

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

Type of Service: Professional Services

Purpose: Increase Contract Amount for Continued Legal Services

Entity Name: Decotiis, FitzPatrick & Cole, LLP

Entity Address: Glen Pointe Centre West, 500 Frank Burr Boulevard., Suite 31, Teaneck, New Jersey 07666

Contract Amount: Increase amount by One Hundred Thousand (\$100,000.00) Dollars]

Total Contract Amount: [Not to exceed Three Hundred and Fifty (\$350,000.00) Dollars

Funding Source: Economic and Housing Development Fund

Contract Period: January 1, 2014 through December 31, 2014

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

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

() Private Sale () Grant () Sub-recipient () n/a (X) Non-Fair & Open

Additional Information:

Original Resolution 7R7-g December 18, 2013; Amended by Resolution 7R7-b; adopted on May 7, 2014, amending the contract scope to include legal services ranging from redevelopment/land use matters, tax abatement, local public finance law and other areas as directed by the Corporation Counsel, without an increase of the contract amount to cover the additional services..

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 City of Newark by Resolution 7R7-g, adopted on December 18, 2013, awarded a contract to Decotiis, Fitzpatrick & Cole, LLP, with offices located at Glen Pointe Center West, 500 Frank Burr Boulevard., Suite 31, Teaneck, New Jersey 07666, to provide legal services as bond counsel in an amount not to exceed Two Hundred and Fifty Thousand (\$250,000.00) Dollars, for the period of January 1, 2014 through December 31, 2014; and

WHEREAS, the City of Newark by Resolution 7R7-b, adopted on May 7, 2014, amended the contract between the City of Newark and DeCotiis, FitzPatrick & Cole, LLP, to provide legal services for increased and unforeseen activity in redevelopment law/land use matters, tax abatement, local public finance law and other areas without an increase in the contract cap of Two Hundred Fifty Thousand Dollars (\$250,000.00), for the period of January 1, 2014 through December 31, 2014; and

WHEREAS, there is a need to amend the total amount of the contract because of increased and continued need for additional legal services; 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 Mayor of the City of Newark signed into law Executive Order Number MEO-07-0001 (hereinafter "Pay-to-Play Executive Order") and the Contractor Pay-to-Play Reform Ordinance, 6PSF-a, adopted on August 1, 2012, which forbids the award of a Business Entity, as defined therein, which has made or solicited political contributions to Newark Municipal Candidates and office holders having ultimate responsibility for the award of a contract; candidate committees of the aforementioned candidates; and political or political party committees of the City of Newark and continuing political committees or political action committees regularly engaged in the support of the City of Newark municipal or County of Essex elections; and certain other political party or candidate committees, in excess of certain thresholds requires reporting of political contributions to Newark Municipal Candidates and prohibits certain political contributions during the duration of the contract.

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 Second Contract Amendment with DeCotiis, FitzPatrick & Cole, LLP, at Glen Pointe Centre West, 500 Frank Burr Boulevard, Suite 31, Teaneck, New Jersey 07666, to provide legal services for additionally increased and unforeseen activity in redevelopment law, tax abatement, local public finance law and any other areas for an additional One Hundred Thousand Dollars (\$100,000.00) for a total contract amount not to exceed Three Hundred Fifty Thousand Dollars (\$350,000.00), for the period of January 1, 2014 through December 31, 2014, which shall cover those existing matters currently being handled by DeCotiis, FitzPatrick & Cole, LLP, as well as new matters related to the contracted areas that may arise during the contract term.
2. The Municipal Council hereby ratifies this Second Contract Amendment from January 1, 2014 to the date of the adoption of this resolution.
3. All other terms and conditions of the contract shall remain the same.
4. This Second Contract Amendment 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 Non-Fair and Open Procedures of the State Pay-to-Play Law (*N.J.S.A. 19:44A-20.5*) and is in compliance with City of Newark Executive Order on Pay to Play Reform, MEO-07-0001, effective March 31, 2007 and the Contractor Pay-to-Play Reform Ordinance, 6PSF-a adopted on August 1, 2012.
5. The funds for this Second Contract Amendment shall be paid from the Economic and Housing and Development Fund, after the issuance of a Certification of Funds from the Acting Chief Financial Officer, which states that funds in the amount of One Hundred Thousand Dollars (\$100,000.00), are available in the aforementioned Economic and Housing Development Fund. 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 Second Contract Amendment 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 hereby ratifies, amends and authorizes the Mayor and/or his designee, the Corporation Counsel, to enter into and execute a Second Contract Amendment for legal services concerning increased and unforeseen activity in redevelopment law/land use matters, tax abatement, local public finance law and any other areas as directed by Corporation Counsel for an additional One Hundred Thousand Dollars (\$100,000.00) for a total contract amount not to exceed Three Hundred Fifty Thousand Dollars (\$350,000.00), for the period of January 1, 2014 through December 31, 2014.