



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 15-0849, Version: 1

Dept./ Agency: Law

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

Type of Service: Professional Services Contract

Purpose: Second Amendment to the Agreement to Provide Legal Services as Special Municipal Prosecutors to Increase Multiple Vendor Contract Amount by \$28,000.00

Entity Name: See individual vendor names below

Entity Address: See individual vendor addresses below

Contract Amount: Increase contract amount by \$28,000.00 for total contract amount not to exceed \$154,000.00

Funding Source: City of Newark Budget/Law Department

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

Additional Information:

A. Keith C. Harvest, Esq., 43 Pleasant Way, Montclair, New Jersey, 07042, (\$1,500.00);

B. Charlotte L. Smith, Esq., 31 Brandywyne Drive, Florham Park, New Jersey, 07932, (\$7,000.00);

C. John Zunic, 216 Anderson Avenue, Fairview, New Jersey, 07022, \$2500.00;

D. Gracia Montilus, Esq., d/b/a GRM Legal Works, LLC, 76 South Orange Avenue, Suite 109, S. Orange, New Jersey, 07079, (\$750.00);

E. Steven Hummell, Esq., 1055 River Road, Edgewater, New Jersey, 07020, (\$4,250.00);

F. Cherelle Tolor, Esq., 28 Sherman Avenue, Irvington, New Jersey, 07011, (\$750.00);

G. Daniel Serratelli, Esq., 172 New York Avenue, Newark, New Jersey, 07105, (\$9,250.00);

H. Gisela J. Ortiz, Esq., 17 Academy Street, Newark, New Jersey, 07102, (\$2,250.00).

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 of the City of Newark, by Resolution 7R7-x, adopted on December 18, 2013 and by first amending Resolution 7R7-a, adopted on September 4, 2014, awarded a contract and a first amendment to the contract, respectively, for Special Municipal Prosecutors to several attorneys, to serve as Special Municipal Prosecutors for the Newark Municipal Court, in an amount not to exceed One Hundred and Twenty-Six Thousand Dollars and Zero Cents (\$126,000.00), for the period of January 1, 2014 through December 31, 2014; and

WHEREAS, several of the Special Municipal Prosecutors who were awarded contracts have outstanding legal bills for 2014, which exceed the contract amount; and

WHEREAS, the outstanding legal bills for 2014 require an increase in the total contract

amount; and

WHEREAS, an increase of the contract amount by Twenty Eight Thousand Dollars and Zero Cents (\$28,000.00), will cover the outstanding 2014 legal bills for the Special Municipal Prosecutors with outstanding bills; and

WHEREAS, the requested increase in the total contract amount is deemed reasonable and necessary to pay the outstanding legal bills through December 31, 2014; and

WHEREAS, the increase of an additional Twenty-Eight Thousand Dollars and Zero Cents (\$28,000.00), brings the total contract to an amount not to exceed One Hundred and Fifty-Four Thousand Dollars and Zero Cents (\$154,000.00), for the period January 1, 2014, through December 31, 2014; 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 second 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, R.O. 2:4-22C, 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 and 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 authorized and directed on behalf of the City of Newark to execute a Second Amendment to the Agreement for Legal Services provided by Special Municipal Prosecutors as listed below, for legal services provided through December 2014 as Special Municipal Prosecutors listed for an additional Twenty-Eight Thousand Dollars and Zero Cents (\$28,000.00), for a total contract amount not to exceed One Hundred Fifty-Four Thousand Dollars and Zero Cents (\$154,000.00), for the period of January 1, 2014 through December 31, 2014, to cover outstanding bills.

A. Keith C. Harvest, Esq., 43 Pleasant Way, Montclair, New Jersey, 07042, (\$1,500.00);

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- H. Gisel J. Ortiz, Esq., 17 Academy Street, Newark, New Jersey, 07102, (\$2,250.00).

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 Amendment to the Agreement to provide Legal Services as Special Municipal Prosecutors 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 Contractor Pay-to-Play Reform Ordinance, 6PSF-a adopted on August 1, 2012.
5. Attached hereto is a Certification of Funds in the amount of Twenty Eight Thousand Dollars and Zero Cents (\$28,000.00) from the Municipal Comptroller of the City of Newark, which states that there are sufficient funds for the purpose stated herein. Two Hundred Fifty Dollars and Zero Cents (\$250.00) remains on the appropriate budget line to covers the remaining balance of the outstanding invoices. 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 Amendment to the Agreement to provide Legal Services as Special Municipal Prosecutors 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 ratifies, amends and authorizes the Mayor and/or his designee, the Corporation Counsel, to enter into and execute a Second Amendment to the Agreement with the Special Municipal Prosecutors listed below for legal services for an additional Twenty-Eight Thousand Dollars and Zero Cents (\$28,000.00), for a total contract amount not to exceed One Hundred Fifty-Four Thousand Dollars and Zero Cents (\$154,000.00), for the period of January 1, 2014 through December 31, 2014, to cover outstanding bills as indicated below.

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