



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 15-2158, 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 Tax Counsel to Increase Contract Amount by \$60,000.00

**Entity Name:** Nowell Amoroso Klein Bierman, P.A.

**Entity Address:** 155 Polifly Road, Hackensack, New Jersey 07601

**Contract Amount:** Total amount not to exceed \$285,000.00

**Funding Source:** City of Newark Budget/Law Department

**Contract Period:** January 1, 2015 through December 31, 2015

**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:**

Contract Awarded -Resolution 7R7-b, adopted on January 7, 2015; Contract Increased - Resolution 7R7-g by \$50,000.00; Increasing Contract Amount by \$60,000.00, Not to Exceed \$285,000.00

**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-b adopted on January 7, 2015, awarded a contract to Nowell Amoroso Klein Bierman, P.A., 155 Polifly Road, Hackensack, New Jersey 07601, to serve as Special Tax Counsel for matters that were currently being handled by Nowell Amoroso Klein Bierman, P.A., and any new matters that may arise during the contract term, in an amount not to exceed One Hundred Seventy-Five Thousand (\$175,000.00) Dollars and Zero Cents, for the period of January 1, 2015 through December 31, 2015; and

**WHEREAS**, the Municipal Council of the City of Newark, by Resolution 7R7-g, adopted on September 2, 2015, increased a contract to Nowell Amoroso Klein Bierman, P.A., in an amount not to exceed Fifty Thousand (\$50,000) Dollars and Zero Cents, for the period of January 1, 2015 through December 31, 2015; and

**WHEREAS**, the contract was awarded in compliance with Local Public Contracts Law, and through the fair and open process of State Pay-to-Play Law, and in compliance with Reform Ordinance 2:4-22C, and

**WHEREAS**, Nowell Amoroso Klein Bierman, P.A., currently has outstanding legal bills for 2015 and pending tax appeal cases, which will exhaust the total contract amount; and

**WHEREAS**, the outstanding legal bills for 2015 require an increase in the total contract amount; and

**WHEREAS**, Nowell Amoroso Klein Bierman, P.A., represents that at least an additional Sixty Thousand Dollars and Zero Cents (\$60,000.00) is necessary for it to continue to provide legal services through December 31, 2015; and

**WHEREAS**, the requested increase in the total contract amount is deemed reasonable and necessary to pay for legal services provided through December 31, 2015; and

**WHEREAS**, the increase of an additional Sixty Thousand (\$60,000.00) Dollars and Zero Cents brings the total contract to an amount not to exceed Two Hundred and Eighty-Five Thousand Dollars and Zero Cents (\$285,000.00), for January 1, 2015 through December 31, 2015.

**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 Amendment to the Agreement to Provide Legal Services with Nowell Amoroso Klein Bierman, P.A., 155 Polifly Road, Hackensack, New Jersey 07601, for legal services provided through December 2015 as Special Tax Counsel for an additional Sixty Thousand (\$60,000.00) Dollars and Zero Cents for a total contract amount not to exceed Two Hundred and Eighty-Five Thousand Dollars and Zero Cents (\$285,000.00), for the period of January 1, 2015 through December 31, 2015, to cover outstanding bills.
2. The Municipal Council hereby ratifies this second contract amendment from January 1, 2015 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 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 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, 2:4-22C.
5. Attached is a full Certification of Funds from the Acting Chief Financial Officer stating that there are available, sufficient and appropriated funds in the amount of Sixty Thousand Dollars and Zero Cents (\$60,000.00) for the purposes set forth herein. 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 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 Amendment to the Agreement with Nowell Amoroso Klein Bierman, P.A, 155 Polifly Road, Hackensack, New Jersey 07601, to Provide Legal Services for Special Tax Counsel legal services for an additional Sixty Thousand Dollars and Zero Cents (\$60,000.00) for a total contract amount not to exceed Two Hundred and Eighty-Five Thousand Dollars and Zero Cents (\$285,000.00).