



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 19-1857, Version: 1

Dept/ Agency: Law

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

Type of Service: Professional Services Contract

Purpose: First Amendment to the Agreement to provide legal services as Litigation Defense.

Entity Name: Lite DePalma Greenberg, LLC

Entity Address: 570 Broad Street, Suite 1201, Newark, New Jersey 07102

Contract Amount: Not to exceed \$125,000.00

Funding Source: 2019 Budget/Law Department

Contract Period: January 1, 2019 through December 31, 2019

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:

Original Resolution 7R6-I, adopted on December 19, 2018 awarded a contract in an amount not to exceed \$100,000.00.

The First Amendment will increase the contract amount by \$25,000.00, for a new total contract amount not to exceed \$125,000.00.

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 7R6-I, adopted on December 19, 2018, awarded a contract to Lite DePalma Greenberg, LLC, 570 Broad Street, Suite 1201, Newark, New Jersey 07102, to provide legal services concerning Litigation Defense Counsel matters, in an amount not to exceed One Hundred Thousand (\$100,000.00) Dollars and Zero Cents, for the period of January 1, 2019 through December 31, 2019; 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, and in compliance with Ordinance 2;4-22C; and

WHEREAS, Lite DePalma Greenberg, LLC, continues to vigorously defend the City of Newark in several cases in which bills will be submitted for the remainder of the contract year; and

WHEREAS, Lite DePalma Greenberg, LLC, currently has outstanding legal bills for 2019 and pending litigation matters, which will exhaust the total contract amount; and

WHEREAS, Lite DePalma Greenberg, LLC, represents that at least an additional Twenty-Five

Thousand Dollars and Zero Cents (\$25,000.00) is necessary for it to continue to provide legal services through December 31, 2019; and

WHEREAS, the requested increase in the total contract amount is deemed reasonable and necessary to pay for legal services provided through December 31, 2019; and

WHEREAS, the increase of an additional Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00), brings the total contract to an amount not to exceed One Hundred Twenty-Five Thousand Dollars and Zero Cents (\$125,000.00), for January 1, 2019 through December 31, 2019.

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 First Amendment to the Agreement to Provide Legal Services with Lite DePalma Greenberg, LLC, 570 Broad Street, Suite 1201, Newark, New Jersey 07102, for legal services provided through December 31, 2019 as Litigation Defense Counsel for an additional Twenty Five Thousand Dollars and Zero Cents (\$25,000.00), for a total contract amount not to exceed One Hundred Twenty-Five Thousand Dollars and Zero Cents (\$125,000.00), for the period of January 1, 2019 through December 31, 2019, to cover pending and existing matters.
2. The Municipal Council hereby ratifies this First Amendment to the Agreement from the date that funds will be exhausted 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 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 the Contractor Pay-to-Play Reform Ordinance, 6PSF-a adopted on August 1, 2012.
5. Attached is a Certification from the Finance Director, which states that funds in the amount of Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00) are available in the 2019 Law Department budget. 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 First 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 First Amendment to the Agreement with Lite DePalma Greenberg, LLC, 570 Broad Street, Suite 1201, Newark, New Jersey 07102, to provide legal services for Litigation Defense Counsel legal services, for an additional Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00), for a total contract amount not to exceed One Hundred Twenty-Five Thousand Dollars and Zero Cents (\$125,000.00) .