



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 23-0285, Version: 1

**Dept/ Agency:** Economic and Housing Development

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

**Type of Service:** Professional Services Contract

**Purpose:** First Amendment to the Agreement to provide legal services concerning Redevelopment and Land Use Matters.

**Entity Name:** Schenck, Price, Smith and King, LLP

**Entity Address:** 220 Park Avenue, P.O. Box 991, Florham Park, New Jersey 07932-0991

**Contract Amount:** Not to exceed \$155,000.00

**Funding Source:** 2023 Budget/Department of Economic and Housing Development/NW026, Account #32100, B2023

**Contract Period:** March 12, 2022 through March 11, 2023

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

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

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

**Additional Information:**

Resolution 7R2-I(S) adopted on May 24, 2022, awarded a contract in the amount of \$100,000.00, for a contract period of March 12, 2022 through March 11, 2023.

This First Amendment increases the contract amount by \$55,000.00, for a new total contract amount not to exceed \$155,000.00.

**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 (the "Municipal Council") by Resolution 7R2-I (s), adopted on May 24, 2022, awarded a contract to Schenck, Price, Smith & King, LLP, 220 Park Avenue, P.O. Box 991, Florham Park, New Jersey 07932-0991, (the "Firm") to provide legal services concerning Redevelopment and Land Use matters, in an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), for the period of March 12, 2022 through March 11, 2023; and

**WHEREAS**, the contract was awarded in compliance with Local Public Contracts Law, through the fair and open process pursuant to N.J.S.A. 10:44A-20.5, and is in compliance with the State Pay-to-Play; and

**WHEREAS**, the Firm currently has outstanding legal bills for 2022/2023 and pending legal matters, which have exhausted the 2022 contract amount; and

**WHEREAS**, the Firm continues to vigorously represent the City of Newark in several matters for which bills have been submitted and will be submitted for the remainder of the Contract year; and

**WHEREAS**, the outstanding legal bills, anticipated bills and open pending legal matters require an increase in the total contract amount; and

**WHEREAS**, the Firm represents to the City of Newark that an additional Fifty-Five Thousand Dollars and Zero Cents (\$55,000.00), is necessary for it to continue to provide legal services through March 11, 2023, and to cover the outstanding legal bills; and

**WHEREAS**, the requested increase in the total contract amount is deemed reasonable and necessary to pay the outstanding and anticipated legal bills through March 11, 2023; and

**WHEREAS**, the increase of an additional Fifty-Five Thousand Dollars and Zero Cents (\$55,000.00) brings the total contract to an amount not to exceed One Hundred Fifty-Five Thousand Dollars and Zero Cents (\$155,000.00), for services provided from March 12, 2022 through March 11, 2023; and

**WHEREAS**, the Local Public Contract 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.

**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 Deputy Mayor/Director of the Department of Economic and Housing Development, 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 Schenck, Price, Smith & King, LLP, 220 Park Avenue, P.O. Box 991, Florham Park, New Jersey 07932-0991, to continue providing legal services concerning Redevelopment and Land Use matters, for an additional amount of Fifty-Five Thousand Dollars and Zero Cents (\$55,000.00), for a total contract amount not to exceed One Hundred Fifty-Five Thousand Dollars and Zero Cents (\$155,000.00), for the period of March 12, 2022 through March 11, 2023, to cover outstanding bills, ongoing litigation and new matters that may arise during the term of the contract.
2. The Municipal Council hereby ratifies this First Amendment to the Agreement to Provide Legal Services from March 12, 2022 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 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, Newark, New Jersey Municipal Code §2:4-22C.
5. The Director of the Department of Finance issued a Certification of Funds for the First Amendment to the Agreement to Provide legal Services in the amount of Fifty Five Thousand Dollars (\$55,000.00), and the line appropriations which shall be charged is as follows:

<u>Bus. Unit</u>	<u>Dept.</u>	<u>Div/Proj.</u>	<u>Activity</u>	<u>Acct. #</u>	<u>Bud Ref.</u>
NW026				32100	B2023

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 Deputy Mayor/Director of the Department of Economic and Housing Development, 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 of the City of Newark and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development, to enter into and execute a First Amendment to the Agreement to Provide Legal Services with Schenck, Price, Smith & King, LLP, 220 Park Avenue, P.O. Box 991, Florham Park, New Jersey 07932-0991, for Redevelopment and Land Use Matters, for an additional Fifty-Five Thousand Dollars and Zero Cents (\$55,000.00), for a total contract amount not to exceed One Hundred Fifty-Five Thousand Dollars and Zero Cents (\$155,000.00).