



Legislation Text

File #: 12-1637, Version: 1

Dept/ Agency: Law

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

Purpose: Settlement of a Contract Claim

Docket No.: Pre-Suit

Claimant: Interfaith TV Ministries, Inc.

Claimant's Attorney: None

Attorney's Address: None

Settlement Amount: \$59,960.00

Funding Source: City of Newark, Office of the City Clerk

Additional Comments:

WHEREAS, the City of Newark entered into a contract with Interfaith TV Ministries, Inc., 73 Hansbury Avenue, Newark, New Jersey 07112, by Resolution 7R1m, January 20, 2010, for a term of two years, commencing May 1, 2010 and terminating on April 30, 2012, for an amount not to exceed \$150,000.00, for Video Production Services; and

WHEREAS, at the request of the City of Newark, Interfaith TV Ministries, Inc., continued to provide video production services beyond the term of the contract, without a new contract or contract amendment; and

WHEREAS, Interfaith TV Ministries, Inc., claims that the services were provided; and

WHEREAS, Interfaith TV Ministries, Inc., claims that the total cost of the additional services provided is \$59,960.00; and

WHEREAS, the Director of the Department of Finance has certified that there are adequate, appropriated monies available to pay the outstanding invoices; and

WHEREAS, the parties have agreed to settle the matter for the payment of \$59,960.00 (Fifty-nine Thousand Nine Hundred and Sixty Dollars), in one lump sum, in exchange for the execution of a Settlement Agreement and General Release as a full and complete payment-settlement of all of Interfaith TV Ministries, Inc., claims; and

WHEREAS, the within payment-settlement and release does not admit nor should it be construed as an admission of liability or violation of any law, statute or regulation or a breach of any duty by the City of Newark, its agents, officers and/or employees whatsoever and is entered into to resolve this matter and prevent the incurring of additional costs and fees; and

WHEREAS, the City has determined that it is in the best interest of the taxpayers to avoid the cost, expense, delay and uncertainty of litigation.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. Corporation Counsel is hereby authorized on behalf of the City of Newark to negotiate and the City Clerk is authorized to execute a Settlement Agreement and Release and any other documents, sufficient in form and content to Corporation Counsel and to take whatever actions are necessary to effectuate the terms of the within resolution and settlement of this matter pursuant to the terms contained in the within Resolution.

2. The Municipal Council of the City of Newark hereby authorizes the payment by check made payable to Interfaith TV Ministries, Inc., in the amount of \$59,960.00 (Fifty-nine Thousand Nine Hundred and Sixty Dollars), which check shall be mailed to 73 Hansbury Avenue, Newark, New Jersey 07112, as consideration of and pursuant to the terms and conditions contained in the Settlement Agreement and Release annexed hereto.

3. In exchange for the execution by Interfaith TV Ministries, Inc., of the Settlement Agreement and Release, acceptable in form to Corporation Counsel and after passage of this resolution and upon receipt by Corporation Counsel and the Director of Finance of any and all other documents deemed necessary, the Director of Finance of the City of Newark is hereby authorized to issue a check made payable to Interfaith TV Ministries, Inc.
4. The within settlement and resolution does not admit nor should it be construed as an admission of liability or violation of any law, statute or regulation or a breach of any duty by the City of Newark, its agents, officers and/or employees whatsoever and is entered into based upon recommendations of counsel and to eliminate all risks and future litigation costs.
5. Attached hereto is a certification of funds issued by the Director of Finance, City of Newark, which states that there are available sufficient, legally appropriated funds of \$59,960.00 (Fifty-nine Thousand Nine Hundred and Sixty Dollars) for the purposes set forth hereinabove. A copy of the certification of funds issued shall be filed in the Office of the City Clerk together with this Resolution by the Corporation Counsel.
6. A fully executed copy of the Settlement Agreement and Release shall be filed in the Office of the City Clerk by Corporation Counsel.
7. This Resolution shall be effective upon adoption in accordance with applicable State law.

STATEMENT

This resolution authorizes the settlement of a demand for payment from Interfaith TV Ministries, Inc., 73 Hansbury Avenue, Newark, New Jersey 07112, for video production services, through the payment of the lump sum of \$59,960.00 (Fifty-nine Thousand Nine Hundred and Sixty Dollars), in exchange for the execution of a Payment-Settlement Agreement and Release.

