



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 12-2149, Version: 2

ADDED STARTER 7R7-a (as) 110812

Dept/ Agency: Law

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

Purpose: Pre-Suit Settlement of Demand for Payment

Docket No.: None - Pre-Suit

Claimant: Delta-T. Group North Jersey, Inc., One Woodbridge Center, Suite 512, Woodbridge, New Jersey 07095

Claimant's Attorney: Marci Pogust, General Counsel

Attorney's Address: c/o Delta-T. Group, 950 Haverford Road, Suite 200, Brun Mawr, Pennsylvania 19010

Settlement Amount: \$668,139.45

Funding Source: City of Newark Budget and Grant Funding; Department of Child and Family Well-Being

Additional Comments:

Invitation: Corporation Counsel (date to be entered by Clerk's Office)

WHEREAS, the **City of Newark** was in need of Temporary Personnel Services and engaged **Delta-T. Group North Jersey, Inc.** (previously referred to as **Delta-T. Group, Inc.**) (hereinafter collectively referred to as **Delta-T. Group North Jersey, Inc.**), One Woodbridge Center, Suite 512, Woodbridge, New Jersey 07095, by Resolution 7R1a, June 19, 2009, for a term of two years, commencing August 1, 2009 and terminating on July 31, 2011, for an amount not to exceed \$1,200,000.00 (\$600,000.00 per year), for four vendors, including **Delta-T. Group North Jersey, Inc.**; and

WHEREAS, the **City of Newark, Department of Child and Family Well-Being**, extended the contract term for these critical, essential public health services by emergency declarations and by administrative extension, while the procurement process for a new contract was ongoing; and

WHEREAS, **Delta-T. Group North Jersey, Inc.**, has continued to provide Temporary Personnel Services from the expiration of the contract and the various emergency declarations and administrative extensions; and

WHEREAS, **Delta-T. Group North Jersey, Inc.**, has demanded payment of outstanding monies due for services rendered, which monies have not been paid because there is no currently approved contract, emergency or otherwise, which was allegedly unknown to **Delta-T. Group North Jersey, Inc.**; and

WHEREAS, the **City of Newark, Department of Child and Family Well-Being**, acknowledges having received the Temporary Personnel Services from **Delta-T. Group North**

Jersey, Inc.; and

WHEREAS, the parties have agreed to settle the matter for the payment by the City of Newark of the sum of **\$668,139.45 (Six Hundred Sixty-Eight Thousand One Hundred Thirty Nine Dollars and Forty Five Cents)**, in one lump sum, in exchange for the execution of a Settlement Agreement and General Release as a full and complete settlement of all of **Delta-T. Group North Jersey, Inc.'s** claims, including any claims for attorney's fees for services provided from April 2012 through and including October 22, 2012; and

WHEREAS, the within 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 of Newark** has determined that it is in the best interest of the taxpayers to settle and 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 execute a Settlement Agreement and Release and any other documents, sufficient in form and content to the 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 **Delta-T. Group North Jersey, Inc.**, in the amount of **\$668,139.45 (Six Hundred Sixty-Eight Thousand One Hundred Thirty Nine Dollars and Forty Five Cents)**, which check shall be mailed to c/o Delta-T. Group, 950 Haverford Road, Suite 200, Bryn Mawr Pennsylvania 19010, or wire transferred to an account in accordance with accurate information provided by the vendor, 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 **Delta-T. Group North Jersey, Inc.** of the Settlement Agreement and Release, acceptable in form to the Corporation Counsel and after passage of this resolution and upon receipt by the 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 the check made payable to **Delta-T. Group North Jersey, 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. A copy of a certification of funds issued by the Director of Finance shall be filed

by the Director of the Department of Child and Family Well-Being in the Office of the City Clerk for the full amount of the settlement before a check is issued.

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 **Delta-T. Group North Jersey, Inc.**, for Temporary Staffing Services through the payment of the lump sum of **\$668,139.45 (Six Hundred Sixty-Eight Thousand One Hundred Thirty Nine Dollars and Forty Five Cents)**, in exchange for the execution of a Settlement Agreement and Release.