



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 12-0280, Version: 2

Dept/ Agency: Law

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

Purpose: Settlement of Demand for Payment

Docket No.: Pre-Suit

Claimant: MZM Construction & Management Company

Claimant's Attorney: None

Attorney's Address: 105 Lock Street, Suite 405, Newark, NJ 07103

Settlement Amount: \$198, 203.50

Funding Source: City of Newark Budget/Neighborhood and Recreational Services

Additional Comments:

Demolition of Newark Properties

Invitation: Corporation Counsel, March 6, 2012

WHEREAS, the Department of Neighborhood & Recreation Services, Division of Demolition was in need of emergency demolition and cleanup services and MZM Construction & Management Company, proceeded with work at various locations (56 Green Street; 367-369 and 365 So. 20th Street; and 3-5 Ferdinand Street), without a contract as required by the procurement requirements of the Local Public Contracts Law, pursuant to N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, MZM Construction & Management Company claims that it performed the work; and

WHEREAS, the Director of the Department of Neighborhood & Recreational Services has confirmed that the City received the benefit of the services; and

WHEREAS, MZM Construction & Management Company has submitted invoices totaling \$198,203.50 (One Hundred Ninety Eight Thousand Two Hundred Three Dollars and Fifty Cents), for emergency demolition and cleanup services for the period July, 2010 thru November 2010; 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, MZM Construction & Management Company has agreed to settle the demand for the payment of \$198,203.50 (One Hundred Ninety Eight Thousand Two Hundred Three Dollars and Fifty 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 MZM Construction & Management Company's claims, including any claims for attorney's fees; 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 based upon

recommendations of counsel and to eliminate all risks and future litigation costs.

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 Director of the Department of Neighborhood and Recreational Services to execute a Settlement Agreement and Release and any other necessary 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 within the Resolution.
2. The Municipal Council of the City of Newark hereby authorizes the payment by check made payable to MZM Construction & Management Company, in the amount of \$198,203.50 (One Hundred Ninety Eight Thousand Two Hundred Three Dollars and Fifty Cents) (hereinafter, the "Settlement Sum"), which check shall be mailed to 105 Lock Street, Suite 405, Newark, NJ 07103, as consideration of and pursuant to the terms and conditions contained in the Settlement Agreement and Release annexed hereto.
3. In exchange for MZM Construction & Management Company's execution of the Settlement Agreement and Release, acceptable in form to the 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 MZM Construction & Management Company, 105 Lock Street, Suite 405, Newark, NJ 07103.
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 \$198,203.50 (One Hundred Ninety Eight Thousand Two Hundred Three Dollars and Fifty Cents) 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 the Corporation Counsel.
7. This Resolution shall be effective upon adoption in accordance with applicable State law.

STATEMENT

This resolution authorizes a settlement with MZM Construction & Management Company, 105 Lock Street, Suite 405, Newark, NJ 07103, for Emergency Demolition and Cleanup Services rendered at various locations (56 Green Street; 367-369, and 365 So. 20th Street; and 3-5 Ferdinand Street), through the payment of the lump sum of \$198,203.50 (One Hundred Ninety Eight Thousand Two Hundred Three Dollars and Fifty Cents), in exchange for the execution of a Settlement Agreement and Release.