



Legislation Details (With Text)

File #: 12-2183 **Version:** 1 **Name:** Settlement agreement with vendor
Type: Resolution **Status:** Filed
File created: 11/11/2012 **In control:** Law
On agenda: 12/19/2012 **Final action:** 12/19/2012

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Civil Litigation
Docket No.: N/A
Claimant: Bismark Construction Corp.
Claimant's Attorney: Paul A. Alongi
Attorney's Address: 119 Littleton Road, Parsippany, New Jersey 07054
Settlement Amount: \$200,000.00
Funding Source: Fund 025, Dept. 25T, Agency 5T25, Acct 96320
Additional Comments:
Invitation: Corporation Counsel, December 18, 2012

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
12/19/2012	1	Municipal Council	Adopt	Pass

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WHEREAS, the matter of Bismark Construction Corp. v. City of Newark was scheduled for mediation with the American Arbitration Association, in which the plaintiff sought recovery for non-payment of services rendered under Contract 16-2009 regarding Renovations to Archives Building Project located at 295 Halsey Street, Newark, New Jersey; and

WHEREAS, it has been determined that plaintiff rendered certain services and was not paid and a proposal has been made to resolve this matter by payment in the total amount of \$200,000 (Two Hundred Thousand Dollars); and

WHEREAS, the Corporation Counsel based upon all facts and circumstances deems it in the best interest of the City of Newark to resolve said matter by payment of the proposed Settlement.

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

1. The Corporation Counsel is hereby authorized on behalf of the City of Newark to execute and accept the terms of the Settlement Agreement and Release, attached hereto.

2. Upon receipt by the Corporation Counsel of all documents deemed necessary, the Director of Finance is hereby authorized and directed to issue a check in the amount of \$200,000 (Two Hundred Thousand Dollars), which payment will be made payable to "Bismark Construction Corp.," and which payment will be mailed to Alongi & Associates, LLC, 119 Littleton Road, Parsippany, New Jersey, 07054.

3. Annexed hereto is the Certification of Funds issued by the Director of Finance, City of Newark, which states that there are available sufficient legally appropriated funds from Fund 025, Dept. 25T, Agency 5T25, Acct 96320 in the amount of \$200,000 (Two Hundred Thousand Dollars), for the purpose set forth herein. A copy of the Comptroller's Certification shall be filed in the Office of the City Clerk along with this Resolution by the Corporation Counsel.

4. A fully executed copy of the Settlement Agreement shall be filed in the Office of the City Clerk by the Corporation Counsel.

5. This resolution shall be effective upon adoption in accordance with applicable State Law.

STATEMENT

This Resolution authorizes the Corporation Counsel on behalf of the City of Newark to enter into a Settlement Agreement and Release to settle the matter captioned Bismark Construction Corp. v. City of Newark, in the amount of \$200,000, in exchange for Plaintiff's dismissal of the demand for mediation with the American Arbitration Association.