



Legislation Details (With Text)

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Type: Resolution **Status:** Filed
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On agenda: 10/23/2013 **Final action:** 10/29/2013
Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Pre-Litigation Claim
Docket No.: N/A
Claimant: Gateway Security, Inc.
Claimant's Attorney: N/A
Attorney's Address: 604-608 Market Street, Newark, New Jersey 07105
Settlement Amount: \$129,120.72
Funding Source: City of Newark 2013 Budget/Administration
Additional Comments:
Services Rendered for Period of November 5, 2012 through June 30, 2013
Invitation: Corporation Counsel, October 22, 2013
No Action Taken 7R7-a 102313

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
10/29/2013	1	Municipal Council	Adopt	Pass
10/23/2013	1	Municipal Council	no action taken	

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WHEREAS, the Department of Administration was in need of personnel to operate the 4311 Call Center maintained by the City of Newark; and

WHEREAS, by Resolution 7R1-c April 7, 2010, the Municipal Council awarded and ratified a contract to Gateway Security, Inc., (hereinafter referred to as "Gateway"), 604-608 Market Street, Newark, New Jersey 07105, pursuant to a Request for Qualifications process, to provide Staffing of

Temporary In-Bound Call Center Customer Service, for a period of two years, commencing on July 1, 2009 through June 30, 2011, with an option to renewal for an additional two year term; and

WHEREAS, Gateway has continued to perform services through and beyond the termination of the agreement; and

WHEREAS, the Business Administrator has confirmed that the City received the benefit of the services; and

WHEREAS, Gateway has submitted invoices totaling \$129,120.72 for Staffing of Temporary In-Bound Call Center Customer Service for the period November 5, 2012 through June 30, 2013 ; and

WHEREAS, the Director of the Department of Finance has certified that there are, appropriated monies available to pay a portion of the outstanding invoices, with the balance to be obtained from the City of Newark Budget; and

WHEREAS, Gateway has agreed to settle the demand for the payment of \$129,120.72, 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 Gateway's claims for the monies invoiced, 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; 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, if this matter proceeded to litigation.

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 negotiate and the Business Administrator 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 Gateway Security, Inc., in the amount of \$129,120.72 (hereinafter, the "Settlement Sum"), which check shall be mailed to 604-608 Market Street, Newark, New Jersey 07105, or wired transferred 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 Gateway's execution 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 Gateway Security, Inc., 604-608 Market Street, Newark, New Jersey 07105, or wire transfer the monies in accordance with accurate information provided by the vendor.

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 are Certifications of Funds issued by the Director of Finance, City of Newark, which states that there are available sufficient, legally appropriated funds of \$129,120.72 for the purposes set forth hereinabove.

A copy of the Certifications 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 the settlement of a demand for payment from, Gateway Security, Inc., 604-608 Market Street, Newark, New Jersey 07105, for Staffing of Temporary In-Bound Call Center Customer Service, for the payment of the lump sum of \$129,120.72 in exchange for the execution of a Settlement Agreement and Release.