



Legislation Details (With Text)

File #: 21-0879 **Version:** 1 **Name:** Resolution: Settlement Agreement and General Release - Beveridge & Diamond, P.C.
Type: Resolution **Status:** Adopted
File created: 6/16/2021 **In control:** Law
On agenda: 8/3/2022 **Final action:** 9/8/2022

Title: Dept./ Agency: Law
Action: (X) Ratifying (X) Authorizing (X) Amending
Type of Service: Civil Litigation Settlement
Purpose: Settlement Agreement and General Release to pay all remaining outstanding invoices.
Entity Name: Beveridge & Diamond, P.C.
Entity Address: 1350 I Street, NW, Suite 700, Washington, D.C. 20005-3311
Settlement Amount: \$305,835.23
Funding Source: 2020 Budget/Department of Water and Sewer Utilities/Business Unit NW037, Dept. ID 750, Div./Proj. 7502, Activity A, Account#71260, Budget Ref.: 2020
Additional Information:
Original Resolution 7R6-a adopted on November 18, 2019 awarded the contract in an amount not to exceed \$250,000.00.

The First Amendment, Resolution 7R6-a, adopted on June 10, 2020, increased the contract amount by \$600,000.00 for a total contract amount not to exceed \$850,000.00.

This Settlement Agreement and General Release covers all remaining outstanding invoices, incurred both during and outside of the contract period for a total settlement amount of \$305,835.23.

Deferred 7R6-b 080322

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
9/8/2022	1	Municipal Council	Adopted	Pass
8/3/2022	1	Municipal Council	Deferred	Pass

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WHEREAS, legal services are Professional Services and are exempt from the requirements for public bidding pursuant to the Local Public Contracts Law, more specifically, N.J.S.A. 40A:11-5(1) (a)(i); and

WHEREAS, the Municipal Council, by Resolution 7R6-a, adopted on November 18, 2019, awarded a Non-Fair and Open Contract to Beveridge & Diamond, P.C., 1350 I Street, NW, Suite 700, Washington, D.C. 20005-3311, to provide special legal services concerning Newark Education Workers Caucus & Natural Resources Defense Council v. City of Newark, et als., Docket No.:18-11025 filed in the United States District Court for the District of New Jersey, in an amount not to exceed Two Hundred Fifty Thousand Dollars and Zero Cents (\$250,000.00), for the period of August 1, 2019 through July 31, 2020; and

WHEREAS, the Municipal Council, by Resolution 7R6-a, adopted on June 10, 2020 authorized a First Amendment to the Agreement to provide legal services which increased the contract amount by \$600,000.00 for a total contract amount not to exceed \$850,000.00; and

WHEREAS, Beveridge & Diamond, P.C., continued to perform intense and complex work on this matter concerning the City's lead service lines; and

WHEREAS, Beveridge & Diamond, P.C., continued to vigorously defend the City of Newark (the "City") in Newark Education Workers Caucus & Natural Resources Defense Council v. City of Newark, et als., Docket No.:18-11025 and submitted bills for the remainder of the contract term and beyond the contract term which work brought the litigation to a successful and cost-effective resolution; and

WHEREAS, the outstanding legal bills for work Beveridge & Diamond, P.C. continued to perform for the benefit of the City after the contract expired, requires a Settlement Agreement and General Release to resolve all outstanding invoices; and

WHEREAS, Beveridge & Diamond, P.C., represents to the City of Newark that a total amount of Three Hundred Five Thousand Eight Hundred Thirty-Five Dollars and Twenty-Three Cents (\$305,835.23), is necessary to cover all outstanding legal bills; and

WHEREAS, the Corporation Counsel states Beveridge & Diamond, P.C continued to provide the needed legal services both during and outside of the contract term, and deems it is in the City's best interest to amicably resolve this matter with payment of the outstanding invoices in the form of a Settlement Agreement and General Release for Three Hundred Five Thousand Eight Hundred Thirty-Five Dollars and Twenty-Three Cents (\$305,835.23), is necessary to cover all outstanding legal bills.

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

1. The Mayor of the City of Newark and/or his designee, the Corporation Counsel are hereby authorized and directed on behalf of the City of Newark to enter into and execute a Settlement Agreement and General Release with Beveridge & Diamond, P.C., 1350 I Street, NW, Suite 700, Washington, D.C. 20005-3311, for legal services provided in Newark Education Workers Caucus & Natural Resources Defense Council v. City of Newark, et als., Docket No.:18-11025 filed in the United States District Court for the District of New Jersey for Three Hundred Five Thousand Eight Hundred Thirty-Five Dollars and Twenty-Three Cents (\$305,835.23), which amount is necessary to cover all outstanding invoices for the work the Firm continued to provide both during and outside of the contract term.
2. The funds for the Settlement Agreement and General Release shall be paid from the City of Newark's Department of Water and Sewer Utilities Budget. Attached hereto are two (2) Certifications of Funds from the Director of the Department of Finance, which states that funds in the amount of Three Hundred Five Thousand Eight Hundred Thirty-Five Dollars and Twenty-Three Cents (\$305,835.23) are available in the aforementioned Department of Water and Sewer Utilities budget. These Certifications of Funds shall be filed along with the original Resolution in the Office of the City Clerk.
3. The Corporation Counsel shall file a copy of the executed Settlement Agreement and General Release herein authorized in the Office of the City Clerk and the same shall be made available for public inspection.

STATEMENT

This Resolution authorizes the Mayor of the City of Newark and/or his designee, the Corporation Counsel, to enter into and execute a Settlement Agreement and General Release with Beveridge & Diamond, P.C. as Special Defense Counsel in Newark Education Workers Caucus & Natural Resources Defense Council v. City of Newark, et als., for outstanding invoices for legal services the Firm provided both during and outside of the contract term for a total amount of \$305,835.23.