



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 13-0879, Version: 2

..Title

Dept/ Agency: Law

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

Purpose: Settlement of Pre-Suit Demand for Payment

Docket No.: N/A

Claimant: Delta-T Group North Jersey, Inc.

Claimant's Attorney: Marci Pogust, Corporate Counsel

Attorney's Address: 950 Haverford Road, Suite 200, Bryn Mawr, Pennsylvania 19010

Settlement Amount: \$378,552.03

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

Additional Comments: None

Invitation: Corporation Counsel, June 18, 2013

WHEREAS, the City of Newark, 920 Broad Street, Newark, New Jersey 07102, 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 7R1-a, 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, services continued to be requested and provided subsequent to termination of the aforementioned contract; and

WHEREAS, the Municipal Council approved the settlement of the demand for payment of past due invoices in Resolution 7R7-a (AS) , November 8, 2012, for the amount of \$668,139.45; and

WHEREAS, Delta-T. Group North Jersey, Inc. has continued to provide Temporary Personnel Services beyond the period of time encompassed by the settlement approved in Resolution 7R7-a (AS), adopted on November 8, 2012, from October 28, 2012 through and including March 3, 2013; and

WHEREAS, Delta-T. Group North Jersey, Inc. has demanded payment of outstanding monies due for services rendered from October 23, 2012 through and including March 3, 2013, which monies have not been paid because there is no currently approved contract, emergency or otherwise; 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 (\$378,552.03) THREE HUNDRED SEVENTY EIGHT THOUSAND, FIVE HUNDRED FIFTY TWO DOLLARS AND THREE 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, for services provided from October 28, 2012 through and including March 3, 2013, 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 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; and

WHEREAS, the Director of the Department of Finance has certified that there are adequate, appropriated monies available to pay the 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 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 (\$378,552.03) (THREE HUNDRED SEVENTY EIGHT THOUSAND FIVE HUNDRED FIFTY TWO DOLLARS AND THREE 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 \$378,552.03 (THREE HUNDRED SEVENTY EIGHT THOUSAND FIVE HUNDRED FIFTY TWO DOLLARS AND THREE CENTS), for services provided from October 28, 2012 through and including March 3, 2013, in exchange for the execution of a Settlement Agreement and Release.