YONKERS PUBLIC SCHOOLS

AGENDA ITEM review · CHECK LIST

Meeting Date: 12/16/2015 - 7:00 PM

Category: BOARD MEMBER REPORTS

Type: Action

Subject: 10.2 Authorization to initiate and prosecute litigation against Dimitri Enterprises Inc. and Seneca Insurance Company, Inc. for failure to perform the general construction work necessary to complete the project commonly known as the Montessori School 31-Upgrade Emergency Utilities and Replace Doors and Windows.

District Goals:

Enclosure:

File Attachment:

Rationale: Authorization to initiate and prosecute litigation against Dimitri Enterprises Inc. and Seneca Insurance Company, Inc. for failure to perform the general construction work necessary to complete the project commonly known as the Montessori School 31-Upgrade Emergency Utilities and Replace Doors and Windows.

Funding:

Sponsored By:

Resolution

WHEREAS, the Board of Education of Yonkers Public Schools (the "Board") entered into a construction contract with Dimitri Enterprises, Inc. ("Dimitri") wherein Dimitri agreed to perform the general construction work necessary to complete the project commonly known as the Montessori School 31-Upgrade Emergency Utilities and Replace Doors and Windows; and

WHEREAS, Dimitri has failed to perform its work under the Contract, including, but not limited to, failing to complete the construction work pursuant to the Contract by the completion date, failing to submit recovery schedules and complete said work, failing to install air conditioning units pursuant to the Contract and failing to complete the work under the Contract in a workmanlike manner; and

WHEREAS, the Board now wishes to authorize the initiation of litigation against the Dimitri and the surety Seneca Insurance Company, Inc. ("Seneca") for failure to perform the Contract; and

NOW, THEREFORE, BE IT RESOLVED, the Board hereby approves and authorizes the commencement and prosecution of litigation against Dimitri and Seneca for failure to perform the Contract.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board of Education hereby authorizes the Corporation Counsel, the Superintendent and/or his designee to take all necessary and appropriate actions in furtherance of such litigation.

Recommended By:

Approvals: **Signed By:** _Electronically Signed By_

Board of Education - Office of the Board

Vote Results:

Original Motion

Member **Curtis Kendrick** Moved, Member **Edgar Santana** seconded to approve the **Original** motion 'WHEREAS, the Board of Education of Yonkers Public Schools (the "Board") entered into a construction contract with Dimitri Enterprises, Inc. ("Dimitri") wherein Dimitri agreed to perform the general construction work necessary to complete the project commonly known as the Montessori School 31-Upgrade Emergency Utilities and Replace Doors and Windows; and

WHEREAS, Dimitri has failed to perform its work under the Contract, including, but not limited to, failing to complete the construction work pursuant to the Contract by the completion date, failing to submit recovery schedules and complete said work, failing to install air conditioning units pursuant to the Contract and failing to complete the work under the Contract in a workmanlike manner; and

WHEREAS, the Board now wishes to authorize the initiation of litigation against the Dimitri and the surety Seneca Insurance Company, Inc. ("Seneca") for failure to perform the Contract; and

NOW, THEREFORE, BE IT RESOLVED, the Board hereby approves and authorizes the commencement and prosecution of litigation against Dimitri and Seneca for failure to perform the Contract.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board of Education hereby authorizes the Corporation Counsel, the Superintendent and/or his designee to take all necessary and appropriate actions in furtherance of such litigation.'. Upon a Roll-Call Vote being taken, the vote was: Aye: **7** Nay: **0**.
The motion **CARRIED** 7 - 0

William Iannuccilli	Yes
Dr. Nader J. Sayegh	Yes
Judith Ramos Meier	Yes
Curtis Kendrick	Yes
Pasquale Mondesando	Yes
James Cavanaugh	Yes
Edgar Santana	Yes