

*Ord.*

**2010-0354**

**INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT  
(DEPARTMENT OF LEGAL SERVICES)**

**ORDINANCE NO. 10-10-9**

An ordinance to authorize full and final satisfaction of an arbitration award with Favalora Constructors, Inc. in the amount of \$120,000.00 in connection with the construction contract for the St. Rose Branch Library.

**WHEREAS,** St. Charles Parish entered into a construction contract with Favalora Constructors, Inc. to build the St. Rose Branch Library in St. Rose, Louisiana; and,

**WHEREAS,** a dispute arose from St. Charles Parish's assessment of 179 days in liquidated damages at the rate of \$750.00 per day and denial of requested change orders for out of scope work; and,

**WHEREAS,** Favalora Constructors, Inc. filed suit against the St. Charles Parish Council on January 7, 2008, and the matter was submitted to binding arbitration on February 26, 2010 and May 21, 2010; and,

**WHEREAS,** on July 19, 2010, the arbitrator issued an award in favor of Favalora Constructors, Inc. in the amount of \$110,637.79 plus interest from the date of submission to arbitration at the judicial interest rate; and,

**WHEREAS,** the principal and accrued interest on the arbitration award through October 1, 2010, is \$129,087.44. A tentative agreement has been reached which provides in part that St. Charles Parish pay to Favalora Constructors, Inc. the sum of \$120,000.00 as full and final satisfaction of this claim ( 29<sup>th</sup> JDC # 67,007 – C and Orleans Parish Civil District Court # 2010 – 09195, Sec. K-5).

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** That the Parish President is hereby authorized to issue payment to Favalora Constructors, Inc. in the amount of \$120,000.00 as a full and final satisfaction of all claims between and among the parties.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: SCHEXNAYDRE, AUTHEMENT, RAYMOND, TASTET, HOGAN, COCHRAN, NUSS  
NAYS: NONE  
ABSENT: BENEDETTO, LAMBERT

And the ordinance was declared adopted this 18th day of October, 2010 to become effective five (5) days after publication in the Official Journal.

2010-0354 St. Rose Branch Library revised

CHAIRMAN: Billy Raymond, Sr.

SECRETARY: Christina Jacob Jackson

DLVD/PARISH PRESIDENT: October 19, 2010

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: [Signature]

RETD/SECRETARY: October 19, 2010

AT: 4:26pm RECD BY: [Signature]