

DoNo

Hartford LLC

July 6, 2016

The Mayor and the City of Hartford:

IGNORED FACTS → MISLED THE PUBLIC → DISHONEST ABOUT PROPOSAL TO FINISH THE BALLPARK

The following is a summary of facts vs. dishonest press statements regarding Centerplan's proposed settlement (dated July 1, 2016). The information below is based on public information. Full text of the proposal is posted on www.finishtheballpark.com.

- ✓ **FACT:** Centerplan and City Hall officials held a series of discussions during the past several weeks to outline potential solutions.

Centerplan submitted a written proposed settlement on July 1, 2016

based on serious conversations with City Hall officials. City Hall attorneys specifically requested that the written proposal not be vetted in the media in order to foster good faith negotiations.

"What we got from Centerplan is not a serious proposal...[Centerplan] wasn't serious about taking responsibility."

-Mayor Luke Bronin, Hartford Courant, 7/6/16.

The Mayor reneged on this good faith agreement. **Instead of working with Centerplan on solutions as a reasonable municipal CEO, Mayor Bronin chose to govern via negative press statements.**

- ✓ **FACT:** Centerplan's proposal (*and comments during negotiations*) explicitly stipulates that Centerplan would pay for

the costs necessary to complete the Ballpark and that both the City AND Centerplan "reserve all rights and remedies" to settle any outstanding disputes at a later time (via binding arbitration).

"...their actual proposal...expects the taxpayers to foot the bill for Centerplan's mistakes and cost-overruns."

-Mayor Luke Bronin, Hartford Courant, 7/6/16

In other words: **get back to work, Centerplan will pay for the costs, and let the appropriate process later determine whether the final bills go to Centerplan or not.** The Mayor's careless public dismissal of such terms points to an admittance that the City is responsible for the hundreds of costly changes that delayed construction. **Otherwise, why wouldn't the City agree to have Centerplan pay for the costs of completing the Ballpark and still retain the right to dispute, if the City was confident they were not responsible for the costly design changes?**

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- ✓ **FACT:** The proposed settlement affords both the City and Centerplan the right to hold either party liable for cost overages (see

“...the actual proposal makes it clear that Centerplan intends to hold the city liable for amounts over and above the original guaranteed maximum price...”

-Sean Fitzpatrick, Hartford Courant, 7/6/16

the section “FUTURE CLAIMS, POTENTIAL LITIGATION/ARBITRATION”). Mayor Bronin wants the public to believe the proposed settlement is not “serious” because the facts are clear: **the City of Hartford, subject to necessary approval from the Team, always retained responsibility over design of the ballpark** based on (1) the Development Agreement the City signed with the Yard Goats (January 26, 2015); (2) the signed “Assignment of Contract” (executed May, 2015 but not released from escrow until June, 2015); and (3) the signed Settlement Term Sheet (January, 2016).

All public documents are posted on www.finishtheballpark.com.

CONCLUSION:

- **Centerplan submitted a serious and reasonable proposal to the City on July 1, 2016 in an attempt to champion progress and reaffirmation of its commitment** to completing Dunkin’ Donuts Park.
- **Centerplan’s proposal offered to pay for the costs associated with finishing the ballpark** and reasonably requested that all rights are reserved for both the City and Centerplan to file claim as to whom is responsible for additional costs.
- City Hall specifically requested that Centerplan not publicly share the full text of the proposed settlement in order to foster good faith negotiations. **That good faith was breached via press statements by the Mayor and his staff in lieu of a formal response directly to Centerplan.**
- **The proposed settlement should have been a catalyst for compromise.** Instead, perfect has become the enemy of good which has demonstrated an inexperience at City Hall that prefers conflict over progress and values politics over reasonable governance.