



Legislation Details (With Text)

**File #:** 22-1528      **Version:** 1      **Name:** Resolution: Change Order/Amendmnet #1 - Contract 2020-01 - Brahma Construction Corp.  
**Type:** Resolution      **Status:** Adopted  
**File created:** 10/21/2022      **In control:** Engineering  
**On agenda:** 12/7/2022      **Final action:** 12/7/2022

**Title:** Dept/ Agency: Engineering  
Action:  Ratifying    Authorizing    Amending  
Type of Service: Construction / Renovation Contract  
Purpose: To execute Change Order/Amendment #1 to Contract 2020-01 Renovation of JFK Recreation Center for abatement of mercury found (during demolition) in the existing rubber flooring.  
Entity Name: Brahma Construction Corp.  
Entity Address: 1360 Route 23, Wayne, New Jersey 07470  
Contract Amount: Not to exceed \$2,956,486.00  
Funding Source: 2022 Budget/Department of Engineering/CDBG 027-A22-EC2S0-72090-B2022  
Contract Period: 365 calendar days, commencing on April 28, 2021 and terminating on April 29, 2022, to be extended through November 30, 2022  
Contract Basis:  Bid    State Vendor    Prof. Ser.    EUS  
 Non-Fair & Open    No Reportable Contributions    RFP    RFQ  
 Private Sale    Grant    Sub-recipient    n/a  
Addition Information:  
Resolution 7R3-b adopted on February 3, 2021, awarded a contract in an amount not to exceed \$2,600,679.00, for the period of 365 consecutive calendar days from the date of the issuance of a formal Notice to Proceed on April 28, 2021.

This Change Order/Amendment #1 will increase the contract amount by \$355,807.00, for a total contract amount not to exceed \$2,956,486.00, and will extend the end date of the original contract to November 30, 2022.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
12/7/2022	1	Municipal Council	Adopt	Pass

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**Addition Information:**

Resolution 7R3-b adopted on February 3, 2021, awarded a contract in an amount not to exceed \$2,600,679.00, for the period of 365 consecutive calendar days from the date of the issuance of a formal Notice to Proceed on April 28, 2021.

This Change Order/Amendment #1 will increase the contract amount by \$355,807.00, for a total contract amount not to exceed \$2,956,486.00, and will extend the end date of the original contract to November 30, 2022.

**WHEREAS**, Resolution 7R3-b(AS), adopted February 3, 2021, authorized the Director of the Department of Engineering to enter into Contract 2020-01 with Brahma Construction Corp., 1360 Route 23, Wayne, New Jersey 07470, in the total bid amount of Two Million Six Hundred Thousand Six Hundred Seventy-Nine Dollars and Zero Cents (\$2,600,679.00); and

**WHEREAS**, the Department of Engineering subsequently issued a Notice to Proceed dated April 27, 2021, to Brahma Construction Corp., 1360 Route 23, Wayne, New Jersey 07470, specifying the contract term to fully complete the JFK Recreational Center Project for a period of (365) calendar days commencing on April 28, 2021 and terminating on April 29, 2022; and

**WHEREAS**, due to unforeseen conditions discovered after the contract was awarded and interior demolition work had begun, specifically, the discovery of mercury containing materials in the gymnasium floors, certain minor changes to the scope of work were needed to address these conditions. As a result, the contract amount increased by Three Hundred Fifty-Five Thousand Eight Hundred Seven Dollars and Zero Cents (\$355,807.00), for an amended total contract amount of Two Million Nine Hundred Fifty-Six Thousand Four Hundred Eighty-Six Dollars and Zero Cents (\$2,956,486.00); and

**WHEREAS**, additionally, as a result, of these unforeseen conditions, the Department of Engineering now requires that the contract term be extended to November 30, 2022.

**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 Acting Director of the Department of Engineering, are hereby authorized to enter into and execute Change Order/Amendment #1 to Contract 2020-01 with Brahma Construction Corp., 1360 Route 23, Wayne, New Jersey 07470, extending the contract period to November 30, 2022, with an increase of Three Hundred Fifty-Five Thousand Eight Hundred Seven Dollars and Zero Cents (\$355,807.00) to the original contract amount of Two Million Six Hundred Thousand Six Hundred Seventy-Nine Dollars and Zero Cents (\$2,600,679.00), for an amended total contract amount not to exceed Two Million Nine Hundred Fifty-Six Thousand Four Hundred Eighty-Six Dollars and Zero Cents (\$2,956,486.00).
2. All other terms and conditions of Contract 2020-01, Renovation of JFK Recreation Center located at 203-217 West Kinney Street, Newark, New Jersey 07103, Block 2524, Lot 1 and the project shall apply and remain in force until the contract is completed.
3. A fully executed copy of Change Order/Amendment #1 to Contract 2020-01, Renovation of the

JFK Recreation Center, 203-217 West Kinney Street, Newark, New Jersey 07103, Block 2524, Lot 1, shall be filed in the Office of the City Clerk, by the Acting Director of Engineering and/or her designee.

4. The additional funds for this contract in the amount of Three Hundred Fifty-Five Thousand Eight Hundred Seven Dollars and Zero Cents (\$355,807.00) has been certified by the Department of Engineering.
5. On April 28, 2021, the Department of Engineering issued a Notice to Proceed for Contract 2020-01 to Brahma Construction Corp., 1360 Route 23, Wayne, New Jersey 07470, specifying the contract term to fully complete the JFK Recreational Center Project for a period of (365) calendar days, commencing on April 28, 2021 and terminating on April 29, 2022. The new completion date is November 30, 2022.
6. No changes to this contract shall be allowed or authorized without prior Municipal Council approval.
7. A fully executed copy of the contract shall be filed in the Office of the City Clerk, by the Acting Director of Engineering and/or her designee.

### **STATEMENT**

This Resolution authorizes the Mayor of the City of Newark and/or his designee, the Acting Director of the Department of Engineering, to enter into and execute Change Order/Amendment #1 to Contract 2020-01, the Renovation of JFK Recreation Center located at 203-217 West Kinney Street, Newark, New Jersey 07103, Block 2524, Lot 1, extending the contract period of (365) calendar days, commencing on April 28, 2021 and terminating on April 29, 2022, until November 30, 2022, with an increase of \$355,807.00, to the original contract amount of \$2,600,679.00, for an amended total contract amount not to exceed \$2,956,486.00.