



Legislation Details (With Text)

**File #:** 18-1176    **Version:** 1    **Name:** Amending Resolution: Change Order - Flanagan Contracting Group, Inc.  
**Type:** Resolution    **Status:** Adopted  
**File created:** 7/17/2018    **In control:** Economic and Housing Development  
**On agenda:** 8/16/2018    **Final action:** 8/16/2018

**Title:** Dept/ Agency: Economic and Housing Development  
Action:  Ratifying  Authorizing  Amending  
Type of Service: Change Order/Amend Resolution  
Purpose: To complete unforeseen field conditions for construction of Mulberry Commons Park Project  
Entity Name: Flanagan Contracting Group, Inc.  
Entity Address: Flanagan Contracting Group, Inc., 90 Old Camplain Road, Hillsborough, New Jersey 08844  
Contract Amount: Not to exceed \$10,508,618.55  
Contract Period: One (1) year from the date of the Notice to Proceed  
Contract Basis:  Bid  State Vendor  Prof. Ser.  EUS  
 Fair & Open  No Reportable Contributions  RFP  RFQ  
 Private Sale  Grant  Sub-recipient  n/a  
Additional Information:  
Original Resolution 7R2-g adopted on January 10, 2018 with a contract amount not to exceed \$9,994,000.00 will be amended to increase the contract amount by \$514,618.55 for a new total contract amount not to exceed \$10,508,618.55.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
8/16/2018	1	Municipal Council	Adopt	Pass

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**WHEREAS**, Resolution 7R2-g, adopted on January 10, 2018, authorized the Director of the Department of Economic and Housing Development to enter into and execute a contract for constructing Mulberry Commons Park with Flanagan Contracting Group, Inc. (the "Contract"), of 90 Old Camplain Road, Hillsborough, New Jersey 08844, in the total bid amount of \$9,994,000.00; and

**WHEREAS**, due to unforeseen conditions at the time of the design the following change orders are requested: 1) Change Order #1 - (a) wall demolition; (b) structural changes for mast poles; (c) exterior redesign of comfort stations; and (d) mast pole footing redesign; and 2) Change Order #2 - (a) demolition and removal of concrete walls at Route 21; and

**WHEREAS**, Change Order #1 equals \$251,368.55 and Change Order #2 equals \$263,250.00, for a total of both Change Orders in the amount of \$514,618.55; and

**WHEREAS**, the Director of the Department of Economic and Housing Development, after consultation with Sage and Coombe, LLC, and the Department of Engineering, certifies that the substance and the procedures to approve the Change Order are in accordance with N.J.A.C. 5:30-11 and do not constitute a material expansion in the size, nature or scope of the Project and the extra work cannot and could not be reasonably effectuated by a separately bid contract, without unduly disrupting the basic work; and

**WHEREAS**, the Sage and Coombe, LLC, reviewed the requested Change Order and recommends that it be issued, since it was unforeseen and was discovered after the contract was awarded and during the construction of Mulberry Commons Park; and

**WHEREAS**, the Director of the Economic and Housing Development desires to execute the Change Orders and increase the original contract amount of \$9,994,000.00 by \$514,618.55 for a new total contract amount not to exceed \$10,508,618.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. The Mayor and/or his designee, the Director of Economic and Housing Development, are hereby authorized on behalf of the City of Newark to execute a Change Order to increase the original contract amount of \$9,994,000.00 by \$514,618.55 for a new total contract amount not to exceed \$10,508,618.55.

2. The Municipal Council hereby ratifies the contract amendment from January 10, 2018 to the date of adoption of this authorizing resolution.

3. All other terms and conditions of the contract shall remain in force and effect until the contract is completed.

4. A fully executed copy of the Change Orders to the contract shall be filed in the Office of the City Clerk by the Director of the Economic and Housing Development.

5. Sufficient funds for this contract have been certified by the Director of Finance. A copy of the Certification of Funds issued shall be filed in the Office of the City Clerk together with this authorizing resolution by the Director of the Economic and Housing Development.

6. No further amendments or modifications to this contract shall be permitted without prior Municipal Council approval.

7. The public bidding process under which this contract was awarded pursuant to the Local Public Contracts Law, N.J.S.A. 40A: 11-1, et seq.; which complied with the requirements of the New Jersey Local Unit Pay-to-Play, N.J.S.A. 19:44A-20.5 et seq.; and the processing of the Change Orders is in compliance with N.J.A.C. 5:30-1.

8. If required by the laws of the State of New Jersey, the City Clerk shall provide the appropriate Notice of the Award of this contract to the State Comptroller, in accordance with N.J.S.A. 52:15C-10.

### **STATEMENT**

This resolution hereby ratifies and authorizes the Mayor and/or his designee, the Director of Economic and Housing Development, to enter into and execute a Change Order with Flanagan Contracting Group, Inc., of 90 Old Camplain Road, Hillsborough, New Jersey 08844, to provide for unforeseen conditions at the time of the design in Change Order #1 and Change Order #2 and increase the original contract amount of \$9,994,000.00 by \$514,618.55 for a new total contract amount not to exceed \$10,508,618.55.