



Legislation Details (With Text)

File #: 21-0260 **Version:** 1 **Name:** Berto Construction - Change Order
Type: Resolution **Status:** Adopted
File created: 2/23/2021 **In control:** Engineering
On agenda: 3/3/2021 **Final action:** 3/3/2021

Title: Dept./ Agency: Engineering
Action: Ratifying Authorizing Amending
Type of Service: Change Order/Amend Resolution 7R3-c adopted on February 3, 2021
Purpose: To provide an amendment to Contract 04-2014 (R), Broad Street at South Street, Tichenor Street and Lincoln Park Pedestrian Safety Project to increase the amount of the contract.
Entity Name: Berto Construction, Inc.
Entity Address: 625 Leesville Avenue, Rahway, New Jersey 07065
Contract Amount: Not to exceed \$2,454,531.26
Funding Source: New Jersey Department of Transportation (NJDOT)
Contract Period: June 1, 2018 through October 25, 2020
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 7R3-a(s) adopted on May 9, 2017 awarded Contract 04-2014 (R) for a contract amount not to exceed \$2,263,406.89 for the period of 365 consecutive calendar days from the issuance of a formal Notice to Proceed by the Director of the Department of Engineering.

Resolution 7R3-b(s) adopted on September 5, 2019 extended the substantial completion date to August 21, 2019, and a new final completion date of October 25, 2019.

Resolution 7R3-c adopted on February 3, 2021 extended the final completion date to October 25, 2020.

This Change Order/Amendment will increase the contract amount by \$191,124.37 for a total contract amount not to exceed \$2,454,531.26.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
3/3/2021	1	Municipal Council	Adopt	Pass

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() Fair & Open () No Reportable Contributions () RFP () RFQ
() Private Sale () Grant () Sub-recipient () n/a

Additional Information:

Original Resolution 7R3-a(s) adopted on May 9, 2017 awarded Contract 04-2014 (R) for a contract amount not to exceed \$2,263,406.89 for the period of 365 consecutive calendar days from the issuance of a formal Notice to Proceed by the Director of the Department of Engineering.

Resolution 7R3-b(s) adopted on September 5, 2019 extended the substantial completion date to August 21, 2019, and a new final completion date of October 25, 2019.

Resolution 7R3-c adopted on February 3, 2021 extended the final completion date to October 25, 2020.

This Change Order/Amendment will increase the contract amount by \$191,124.37 for a total contract amount not to exceed \$2,454,531.26.

WHEREAS, Resolution 7R3-a(s), adopted on May 9, 2017, authorized the Mayor and/or his designee, the Director of the Department of Engineering, to enter into and execute Contract 04-2014 (R), Broad Street at South Street, Tichenor Street and Lincoln Park Pedestrian Safety Project at Broad Street, Newark, New Jersey 07102 (the "Broad Street Project"), with Berto Construction, Inc., 625 Leesville Avenue, Rahway, New Jersey 07065, for the total bid amount of \$2,263,406.89 (Contract 04-2014(R)); and

WHEREAS, on May 31, 2018, the Department of Engineering issued a Notice to Proceed for Contract 04-2014(R) to Berto Construction, Inc., specifying the contract term to fully complete the Broad Street Project for a period of 365 calendar days, commencing June 1, 2018 and terminating on May 31, 2019; and

WHEREAS, Resolution 7R3-b(s), adopted on September 5, 2019, authorized the Mayor and/or his designee, the Director of the Department of Engineering, to amend the contract term to allow for an extension of time, providing a new substantial completion date of August 21, 2019, and a new final completion date of October 25, 2019, pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-15(9); and

WHEREAS, Berto Construction, Inc. submitted a federal aid Change Order, dated July 14, 2020, explaining in detail that extra work was required in order to complete the project due to unforeseen field conditions resulting in increases and decreases in quantities resulting in an increased contract amount of One Hundred Ninety-One Thousand One Hundred Twenty-Four Dollars and Thirty-Seven Cents (\$191,124.37) for an amended total of Two Million Four Hundred Fifty-Four Thousand Five Hundred Thirty-One Dollars and Twenty-Six Cents (\$2,454,531.26) to fully complete the Broad Street Project; and

WHEREAS, the New Jersey Department of Transportation (NJDOT) and Federal Highway Administration (FHWA) reviewed Berto Construction Inc.'s Change Order and authorized the Department of Engineering, Division of Traffic and Signals to expend an increase amount of One Hundred Ninety-One Thousand One Hundred Twenty-Four Dollars and Thirty-Seven Cents (\$191,124.37) for an amended total of Two Million Four Hundred Fifty-Four Thousand Five Hundred Thirty-One Dollars and Twenty-Six Cents (\$2,454,531.26) to fully complete the Broad Street Project;

and

WHEREAS, the Director of the Department of Engineering desires to amend the Contract 04-2014(R) and enter into a Change Order Agreement with Berto Construction, Inc. for an additional One Hundred Ninety-One Thousand One Hundred Twenty-Four Dollars and Thirty-Seven Cents (\$191,124.37) to allow Berto Construction, Inc. to complete the above-referenced additional unforeseen work for the Broad Street Project.

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 the Department of Engineering, are hereby authorized to ratify on behalf of the City of Newark and enter into and execute a Change Order/Amendment #2 to Contract 04-2014(R), Broad Street at South Street, Tichenor Street and Lincoln Park Pedestrian Safety Project at Broad Street, Newark, New Jersey 07102, with Berto Construction, Inc., 625 Leesville Avenue, Rahway, New Jersey 07065, to amend the contract amount for an additional One Hundred Ninety-One Thousand One Hundred Twenty- Four Dollars and Thirty-Seven Cents (\$191,124.37) for an amended total of Two Million Four Hundred Fifty-Four Thousand Five Hundred Thirty-One Dollars and Twenty-Six Cents (\$2,454,531.26) to permit Berto Construction, Inc. to complete the unforeseen work for the Broad Street Project.
2. The Municipal Council hereby ratifies the contract amendment from May 31, 2020 to the date of adoption of this authorizing resolution.
3. All other terms and conditions of Contract 04-2014(R), Broad Street at South Street, Tichenor Street and Lincoln Park Pedestrian Safety Project at Broad Street, Newark, New Jersey 07102, shall remain the same and are in effect until the contract is completed.
4. A fully executed copy of Change Order/Amendment to Contract 04-2014(R), Broad Street at South Street, Tichenor Street and Lincoln Park Pedestrian Safety Project at Broad Street, Newark, New Jersey 07102, shall be filed in the Office of the City Clerk by the Director of the Department of Engineering.
5. No further amendments or modifications to this amended contract shall be permitted without prior Municipal Council approval.

STATEMENT

This resolution ratifies and authorizes the Mayor and/or his designee, the Director of the Department of Engineering, to enter into and execute a Change Order/Amendment #2 to Contract 04-2014(R), Broad Street at South Street, Tichenor Street and Lincoln Park Pedestrian Safety Project at Broad Street, Newark, New Jersey 07102, with Berto Construction, Inc., 625 Leesville Avenue, Rahway, New Jersey 07065, to amend the contract amount for an additional \$191,124.37 for an amended total of \$2,454,531.26 to permit Berto Construction, Inc. to complete the unforeseen work for the Broad Street Project.