



## Legislation Details (With Text)

**File #:** 16-0545      **Version:** 1      **Name:** Change Order #1 - Contract # 09-2014  
**Type:** Resolution      **Status:** Adopted  
**File created:** 3/21/2016      **In control:** Engineering  
**On agenda:** 7/19/2016      **Final action:** 8/3/2016

**Title:** Dept/ Agency: Engineering  
Action:  Ratifying    Authorizing    Amending  
Type of Service: Change Order/Amend Resolution  
Purpose: Complete unforeseen field conditions for Contract #09-2014 Mary Eliza Mahoney Health Center Dental Clinic Improvements at 110 William Street, Newark, New Jersey, 07102  
Entity Name: Bismark Construction Corporation  
Entity Address: 207-209 Berkeley Avenue, Newark, New Jersey 07107  
Contract Amount: \$994,900.00 (with an increase of \$100,900.37 for total contract amount of \$1,095,800.37)  
Funding Source: City of Newark, Department of Health and Community Wellness  
Contract Period: Extend the term of the contract to February 27, 2015 through August 26, 2016  
Contract Basis:  Bid    State Vendor    Prof. Ser.    EUS  
 Fair & Open    No Reportable Contributions    RFP    RFQ  
 Private Sale    Grant    Sub-recipient    n/a  
Additional Information:  
Amending Contract #09-2014 amount from \$994,900.00 to \$1,095,800.37 (Increasing total amount by \$100,900.37).  
Resolution 7R4-C (A.S.), adopted January 21, 2015.

**Sponsors:**

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
8/3/2016	1	Municipal Council	Adopt	Pass
7/19/2016	1	Municipal Council	Defer	Pass

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**Entity Name:** Bismark Construction Corporation  
**Entity Address:** 207-209 Berkeley Avenue, Newark, New Jersey 07107  
**Contract Amount:** \$994,900.00 (with an increase of \$100,900.37 for total contract amount of \$1,095,800.37)  
**Funding Source:** City of Newark, Department of Health and Community Wellness  
**Contract Period:** Extend the term of the contract to February 27, 2015 through August 26, 2016  
**Contract Basis:**  Bid    State Vendor    Prof. Ser.    EUS  
 Fair & Open    No Reportable Contributions    RFP    RFQ  
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**Additional Information:**  
Amending Contract #09-2014 amount from \$994,900.00 to \$1,095,800.37 (Increasing total amount

by \$100,900.37).  
Resolution 7R4-C (A.S.), adopted January 21, 2015.

**WHEREAS**, Resolution 7R4-C (A.S.), adopted January 21, 2015, authorized the Director of the Department of Engineering, 920 Broad Street, Newark New Jersey 07102, to enter into and execute Contract #09-2014 Mary Eliza Mahoney Health Center Dental Clinic Improvements at 110 William Street, Newark, New Jersey, 07102 with Bismark Construction Corp., 207-209 Berkeley Avenue, Newark, New Jersey 07107, in the total bid amount of \$994,900.00 ("Contract #09-2014"); and

**WHEREAS**, on February 27, 2015, the Department of Engineering issued a Notice To Proceed, specifying the contract term as one (1) year from that date; and

**WHEREAS**, due to unforeseen conditions discovered after the contract was awarded and interior demolition work had begun, including those necessary to obtain regulatory licensure approval for the health, safety and welfare of patients, certain changes to the scope of work were needed to address unforeseen field conditions; more specifically there is still a deficit amount of \$100,900.37 that is required to complete the project in its entirety, Bismark Construction Corp. issued Change Order Nos. 1 and 2 to Contract #09-2014; and

**WHEREAS**, the Director of the Department of Engineering certifies that the substance and the procedures to approve Change Order Nos. 1 and 2 to Contract #09-2014, 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 Director of the Department of Engineering and the contractor, Bismark Construction Corp., agreed that a time extension is necessary for the additional work needed to complete the project and to pay outstanding invoices; and

**WHEREAS**, the City's construction management professional, Lino DeAlmeida III, reviewed the requested Change Order Nos. 1 and 2 to Contract #09-2014 and recommends that they be issued since they were unforeseen and were discovered after the contract was awarded and during the construction of the Dental facility; and

**WHEREAS**, the Director of the Department of Engineering desires to amend Contract #09-2014 to: (a) increase the contract amount from an amount not to exceed of \$994,900.00 to \$1,095,800.37 (an increase of \$100,900.37 to the total amount of the contract); and (b) extend and ratify back the contract term from February 27, 2015 through February 26, 2016 to February 27, 2015 through August 26, 2016.

**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 Department of Engineering, are hereby authorized on behalf of the City of Newark to execute Change Order/Amendment Nos. 1 and 2 to Contract #09-2014 Mary Eliza Mahoney Health Center Dental Clinic

Improvements at 110 William Street, Newark, New Jersey, 07102 with Bismark Construction Corp., 207-209 Berkeley Avenue, Newark, New Jersey 07107, to amend the contract as follows: (a) increase the contract amount from an amount not to exceed \$994,900.00 to \$1,095,800.37 (an increase of \$100,900.37 to the total amount of the contract); and (b) extend and ratify back the contract term from February 27, 2015 through February 26, 2016 to February 27, 2015 through August 26, 2016.

2. The Municipal Council hereby ratifies the contract amendment from February 26, 2016 to the date of adoption of this authorizing resolution.
3. All other terms and conditions of Contract #09-2014, Mary Eliza Mahoney Health Center Dental Clinic Improvements at 110 William Street, Newark, New Jersey, 07102, shall remain in force and effect until the contract is completed.
4. A fully executed copy of Change Order/Amendment Nos. 1 and 2 to Contract #09-2014 Mary Eliza Mahoney Health Center Dental Clinic Improvements at 110 William Street, Newark, New Jersey, 07102, shall be filed in the Office of the City Clerk by the Director of the Department of Engineering.
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 resolution by the Director of the Department of Engineering.
6. No further amendments or modifications to this amended 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 Order/Amendment Nos. 1 and 2 is in compliance with N.J.A.C. 5:30-1.

#### **STATEMENT**

This resolution hereby ratifies and authorizes the Mayor and/or his designee, the Director of Department of Engineering, to execute Change Order/Amendment Nos. 1 and 2 to Contract #09-2014 Mary Eliza Mahoney Health Center Dental Clinic Improvements at 110 William Street, Newark, New Jersey, 07102, with Bismark Construction Corp. 207-209 Berkeley Avenue, Newark, New Jersey 07107, to amend the contract as follows: (a) increase the contract amount from an amount not to exceed of \$994,900.00 to \$1,095,800.37 (an increase of \$100,900.37 to the total amount of the contract); and (b) extend and ratify back the contract term from February 27, 2015 through February 26, 2016 to February 27, 2015 through August 26, 2016.