



## Legislation Details (With Text)

**File #:** 15-0795      **Version:** 1      **Name:** Delancy St Design - Change Order # 3  
**Type:** Resolution      **Status:** Filed  
**File created:** 4/13/2015      **In control:** Engineering  
**On agenda:** 6/17/2015      **Final action:** 6/17/2015  
**Title:** Dept/ Agency: Engineering  
Action: ( ) Ratifying (X) Authorizing (X) Amending  
Type of Service: Professional Services Contract  
Purpose: Delancy Street Roadway Improvements, Final Design Project, Change Order No. 3 to Contract No. 06-2011PS  
Entity Name: Michael Baker Jr., Inc.  
Entity Address: One Gateway Center, Suite 2330, Newark, New Jersey 07102  
Contract Amount: Increased by \$201,515.00 (Change Order Amount) thereby bringing the total amount of this contract to \$1,394,352.00  
Funding Source: NJDOT/FHWA  
Contract Period: Extended to November 1, 2014 to November 1, 2015  
Contract Basis: ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS  
( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
Addition Information:  
Original contract-\$1,192,837.00 + Change Order #3 - \$201,515.00= New Contract Total-\$1,394.352.00. Note: Change Orders 1 & 2 extended the dates of completion.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
6/17/2015	1	Municipal Council	Adopt	Pass

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**WHEREAS**, Resolution 7R4-C, adopted September 8, 2011, authorized the Director of the Department of Engineering to accept the proposal dated August 9, 2010 and revised August 23, 2010 submitted by Michael Baker Jr. Inc., One Gateway Center, Suite 2330, Newark, New Jersey 07102, and execute Contract No. 06-2011PS, for the Delancy Street Roadway Improvements, Final Design Project, in the amount not to exceed \$1,192,837.00; and

**WHEREAS**, the original contract term was 365 days from the effective date of the issuance of the Notice to Proceed, or November 3, 2011 through November 2, 2012; and

**WHEREAS**, Resolution 7R4-A, adopted January 16, 2013, authorized the Director of the Department of Engineering to issue and execute Change Order No. 1/Contract Amendment, to Contract No. 06-2011PS, for the Delancy Street Roadway Improvements, Final Design Project, which authorized a one (1) year extension of term of the contract, from November 3, 2012 to November 2, 2013; and

**WHEREAS**, Resolution 7R4-A, adopted March 5, 2014, authorized the Director of the Department of Engineering to issue and execute Change Order No. 2/Contract Amendment, to Contract No. 06-2011PS, for the Delancy Street Roadway Improvements, Final Design Project, for a one (1) year extension of term of the contract, from November 2, 2013 to November 1, 2014; and

**WHEREAS**, additional design work was identified that was not anticipated under the original scope of work, which is required in order to complete final design. The additional scope of work includes soil testing to meet NJDEP's Stormwater Management Rules (N.J.A.C. 7:8), additional design, survey work and permits for the stream cleaning, and design work for the Right-of-Way Acquisition; and

**WHEREAS**, the City of Newark required additional funds for the design of Delancy Street between Avenue I and Rutherford Street; and

**WHEREAS**, on November 10, 2014, the City of Newark received a letter (a copy of the authorization letter is attached hereto and made a part hereof) from the New Jersey Department of Transportation advising that the Federal Highway Administration had authorized an additional \$201,515.00 for the additional scope of work for the design of Delancy Street between Avenue I and Rutherford Street, with no City funds required, which was accepted by Resolution 7R4-c December 17, 2014; and

**WHEREAS**, the City of Newark desires to increase the contract amount by \$201,515.00, thereby bringing the total amount of this contract to \$1,394,352.00; and

**WHEREAS**, the Director of the Department of Engineering requests an extension of the contract term for an additional year, from November 1, 2014 to November 1, 2015, with such additional extensions as required to complete the actual construction of the project, as permitted by the Local Contracts Law, N.J.S.A. 40A:11-15 (9), subject to Municipal Council approval; and

**WHEREAS**, the award of this Change Order is in accordance with the procedures for the award of a professional service contract of Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. and the non-fair and open procedures of the New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.5.

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

1. The Mayor and/or his designee and the Director of the Department of Engineering, are hereby authorized on behalf of the City of Newark to issue Change Order No. 3 to Contract No. 06-2011PS, for the Delancy Street Roadway Improvements, Final Design Project, with Michael Baker Jr., Inc., One Gateway Center, Suite 2330, Newark, New Jersey 07102, extending the contract period from November 1, 2014 to November 1, 2015 and increasing the contract amount by \$201,515.00, thereby bringing the total amount of this contract to \$1,394,352.00.
2. The Municipal Council hereby ratifies Change Order No.3 /Contract Amendment to Contract No. 06-2011PS, from November 1, 2014 to the date of adoption of this authorizing resolution.
3. A fully executed copy of Change Order No. 3/Contract Amendment to Contract No. 06-2011PS shall be filed in the Office of the City Clerk by the Director of Engineering.
4. No other changes to this contract are allowed without prior Municipal Council approval.
5. Any further extensions, as may be permitted by N.J.S.A. 40A:11-15(9), are subject to Municipal Council approval.
6. Funds for Change Order No. 3 to Contract No. 06-2011PS, in the amount of \$201,515.20 is provided as below:

Fund: NW051, Dept.: G15, Project: E1510, Account: 71280, Budget Year: B2015

7. The award of this Change Order is in accordance with the procedures for the award of a professional service contract of Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., and the non-fair and open procedures of the New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.5.
8. Notice of this Change Order for a Professional Services contract, in accordance with N.J.S.A. 40A:11-5 (1)(a)(i), shall be published in the official newspaper of the municipality, which notice shall be filed in the Office of the City Clerk for inspection by the public.

**STATEMENT**

This Resolution authorizes the Mayor and/or his designee and the Director of the Department of Engineering, to issue and execute Change Order No. 3/Contract Amendment to Contract No. 06-2011PS, for the Delancy Street Roadway Improvements, Final Design Project, for a one (1) year extension of the term of the contract, from November 1, 2014 to November 1, 2015 and to increase contract amount by \$201,515.00, thereby bringing the total amount of this contract to \$1,394,352.00.

