



Legislation Details (With Text)

**File #:** 19-0737      **Version:** 1      **Name:** Amending resolution accepting grant Broad Street at South Street, Tichenor Street and Lincoln Park Pedestrian Safety Project to extend the agreement expiration date

**Type:** Resolution      **Status:** Adopted

**File created:** 4/26/2019      **In control:** Engineering

**On agenda:** 9/5/2019      **Final action:** 9/5/2019

**Title:** Dept/ Agency: Engineering  
 Action:  Ratifying    Authorizing    Amending  
 Type of Service: Change Order/Amend Resolution  
 Purpose: To execute an amendment to the Cost Reimbursement Agreement # 2015-DT-BLA-201, (Contract ID: 15 70734) for the Broad Street (2 -Intersections FY-14), City of Newark, Essex County, STP-7628(103) CON Project with the State of New Jersey Department of Transportation (NJDOT), to extend the expiration date of the agreement until May 10, 2021.  
 Entity Name: New Jersey Department of Transportation  
 Entity Address: 1035 Parkway Avenue, Trenton, New Jersey 08625  
 Contract Amount: \$2,662,843.00  
 Funding Source: NJDOT  
 Contract Period: May 8, 2015 through May 10, 2021  
 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 7R4-d adopted on September 2, 2015 for a Cost Reimbursement Agreement #2015-DT-BLA-201, (Contract ID: 15 70734) for the Broad Street (2 -Intersections FY-14) Local Safety Program providing grant funding in the amount of \$1,463,368.00 for the period of May 8, 2015 through May 8, 2018.  
 Original Resolution 7R4-a adopted on June 15, 2016 for a Cost Reimbursement Agreement #2015-DT-BLA-201, (Contract ID: 15 70734) for the Broad Street (2 -Intersections FY-14) Local Safety Program providing additional grant funding in the amount of \$1,199,475.00 for the period of May 8, 2015 through May 8, 2018.  
 This Amending Resolution will amend the grant agreement/contract period from May 8, 2015 through May 8, 2018 to May 8, 2015 through May 10, 2021.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
9/5/2019	1	Municipal Council	Adopt	Pass

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**Additional Information:**

Original Resolution 7R4-d adopted on September 2, 2015 for a Cost Reimbursement Agreement #2015-DT-BLA-201, (Contract ID: 15 70734) for the Broad Street (2 -Intersections FY-14) Local Safety Program providing grant funding in the amount of \$1,463,368.00 for the period of May 8, 2015 through May 8, 2018.

Original Resolution 7R4-a adopted on June 15, 2016 for a Cost Reimbursement Agreement #2015-DT-BLA-201, (Contract ID: 15 70734) for the Broad Street (2 -Intersections FY-14) Local Safety Program providing additional grant funding in the amount of \$1,199,475.00 for the period of May 8, 2015 through May 8, 2018.

This Amending Resolution will amend the grant agreement/contract period from May 8, 2015 through May 8, 2018 to May 8, 2015 through May 10, 2021.

**WHEREAS**, on September 2, 2015, the Municipal Council adopted Resolution 7R4-d ratifying and authorizing the Mayor and/or his designee, the Director of the Department of Engineering, to execute a Cost Reimbursement Agreement No. 2015-DT-BLA-201, (Contract ID: 15 70734), between the City of Newark and the New Jersey Department of Transportation, and to accept grant funds in the amount of \$1,463,368.00 for the Broad Street (2-Intersections FY-14), City of Newark, Essex County, STP-7628(103)CON Project (the "Project"); and

**WHEREAS**, on June 15, 2016, the Municipal Council adopted Resolution 7R4-a ratifying and authorizing the Mayor and/or his designee, the Director of the Department of Engineering, to amend Resolution 7R4-d, adopted on September 2, 2015, to enter into a new Cost Reimbursement Agreement No. 2015-DT-BLA-201, (Contract ID: 15 70734), for the Project to accept additional funding of \$1,199,475.00, for a revised total grant amount of \$2,662,843.00 (\$2,505,107.00 for construction and \$157,736.00 for inspection services) for the term of May 8, 2015 to May 8, 2018; and

**WHEREAS**, on May 9, 2017, Municipal Council adopted Resolution 7R3-a(s) authorizing a construction contract with Berto Construction, Inc. (Contract No. 04-2014R) to complete the Project, for a period of 365 days from the issuance of a formal Notice to Proceed by the Director of the Department of Engineering; and

**WHEREAS**, the funding for the Berto Contract comes from the grant funding that the City received from the NJDOT through the Cost Reimbursement Agreement No. 2015-DT-BLA-201, (Contract ID: 15 70734); and

**WHEREAS**, on May 31, 2018, the Director of the Department of Engineering issued a Notice to Proceed to Berto Construction, Inc. with a contract start date of June 1, 2018 and advising that all work must be completed within 365 days from the date of the Notice to Proceed; and

**WHEREAS**, on May 23, 2019 Berto Construction, Inc. submitted a letter to the City advising that extra work was required under Contract No. 04-2014R due to unforeseen field conditions and

necessary revisions to the plans and requested an extension of time until October 25, 2019 to complete Contract No. 04-2014R; and

**WHEREAS**, since the funding for the Berto Contract is coming from the NJDOT through the Cost Reimbursement Agreement No. 2015-DT-BLA-201, (Contract ID: 15 70734) and that grant term expired, the City of Newark requested and the State of New Jersey Department of Transportation (NJDOT), agreed to an extension of the Cost Reimbursement Agreement so that Berto could complete the extra work in the Construction Contract. Allowable costs incurred for the performance of work under Contract ID: 15 70734, shall be eligible for reimbursement from the effective date of May 8, 2015. All such work shall be completed by May 10, 2021, unless either terminated or extended by written authorization of the State; and

**WHEREAS**, the Director of the Department of Engineering and the NJDOT desire to amend the Original Agreement No. 2015-DT-BLA-201, (Contract ID: 15 70734, Agreement Date: October 31, 2016) Resolution 7R4-A adopted on March 16, 2016 to extend the expiration date of the Cost Reimbursement Agreement for an additional 1098 calendar days until May 10, 2021.

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

1. The Mayor and/or his designees, the Director of the Department of Engineering, are hereby authorized on behalf of the City of Newark to execute an amendment to the Cost Reimbursement Agreement No. 2015-DT-BLA-201, (Contract ID: 15 70734) for the Broad Street (2-Intersections FY-14), City of Newark, Essex County, STP-7628(103)CON Project (the "Project") with the State of New Jersey Department of Transportation (NJDOT), 1035 Parkway Avenue, Trenton, New Jersey 08625 to extend the expiration date of the agreement until May 8, 2021.

2. The Municipal Council hereby ratifies the amended Cost Reimbursement Agreement No. 2015-DT-BLA-201, (Contract ID: 15 70734) from May 8, 2015 until the date of adoption of this authorizing resolution.

3. All other terms and conditions of Cost Reimbursement Agreement No. 2015-DT-BLA-201, (Contract ID: 15 70734), for the Project shall remain in force and effect until the contract is completed

4. A fully executed copy of the amendment to the Cost Reimbursement Agreement No. 2015-DT-BLA-201, (Contract ID: 15 70734) for the Project 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 hereby ratifies and authorizes the Mayor and/or his designees, the Director of the Department of Engineering, to execute an amendment to the Cost Reimbursement Agreement No. 2015-DT-BLA-201, (Contract ID: 15 70734) for the Broad Street (2-Intersections FY-14), City of Newark, Essex County, STP-7628(103)CON Project with the State of New Jersey Department of Transportation (NJDOT), 1035 Parkway Avenue, Trenton, New Jersey 08625 to extend the expiration

date of the agreement until May 10, 2021.