



Legislation Details (With Text)

File #: 17-2000 **Version:** 1 **Name:** Change Order/Amendment No. 1 to Contract #2017_02 Dr. Martin Luther King Jr. Memorial Park Improvements

Type: Resolution **Status:** Adopted

File created: 11/17/2017 **In control:** Engineering

On agenda: 3/7/2018 **Final action:** 3/7/2018

Title: Dept/ Agency: Engineering
 Action: Ratifying Authorizing Amending
 Type of Service: Change Order/Amend Resolution
 Purpose: Execute Change Order/Amendment No. 1 to Contract #2017-02 Dr. Martin Luther King Jr., Memorial Park Improvements to: (a) increase the contract amount from \$346,497.90 to \$390,572.90 (an increase of \$44,075.00 to the total amount of the contract), in accordance with N.J.A.C. 5:30-11.1, et seq.; and (b) to extend the expiration date of the contract for an additional 90 calendar days until April 16, 2018, pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-15(9).
 Entity Name: Shauger Property Services Inc.
 Entity Address: 429 Dodd Street, East Orange, New Jersey 07017
 Contract Amount: Amount not to exceed \$390,572.90
 Funding Source: 2017 Budget/ Department of Engineering
 Contract Period: Extend the original 180 contract for an additional 90 calendar days until April 16, 2018
 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 Original Contract # 2017-02 7R3-a(s) adopted on June 27, 2017 with an amount as follows: (a) increase the contract amount from \$346,497.90 to \$390,572.90 (an increase of \$44,075.00 to the total amount of the contract), in accordance with N.J.A.C. 5:30-11.1, et seq.; and (b) to extend the expiration date of the contract for an additional 90 calendar days until April 16, 2018, pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-15(9).

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
3/7/2018	1	Municipal Council	Adopt	Pass

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WHEREAS, Resolution 7R3-a (s.), adopted June 27, 2017, authorized the Mayor and/or his designee, the Director of the Department of Engineering, to enter into and execute Contract #2017 - 02 Dr. Martin Luther King Jr. Park Improvements at 147-155 Clinton Avenue, Newark, New Jersey, 07102 with Shauger Property Services Inc., 429 Dodd Street, East Orange, New Jersey 07017, in the total bid amount of \$346,497.90 ("Contract #2017 - 02"); and

WHEREAS, on July 20, 2017, the Department of Engineering issued a Notice to Proceed, specifying the contract term for 180 calendar days, expiring on January 16, 2018; and

WHEREAS, due to unforeseen amendments to PSE&G's utility plans after the contract was awarded and a Notice to Proceed was issued, certain unforeseen changes to the scope of work were needed to ensure that improvements at the park are in compliance with Uniform Construction Code for pedestrian walkways. These unforeseen changes to the scope of work required additional work at an additional cost, in amount of \$44,075.00, that is required to complete the project in its entirety; and

WHEREAS, the City's construction management professional, William McCollum, LLA, reviewed the requested Change Order No. 1 to Contract #2017 - 02 and recommends that it be issued since they were unforeseen and were discovered after the contract was awarded and during the repair of the public sidewalk. Mr. McCollum also confirmed that the substance and the procedures to approve Change Order No. 1 to Contract #2017 - 02 is in accordance with N.J.A.C. 5:30-11.1, et seq. 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 further certified that the substance and the procedures to approve Change Order No. 1 to Contract #2017 - 02 is in accordance with N.J.A.C. 5:30-11.1, et seq. 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, Shauger Property Services Inc., agreed that a time extension of 90 days is necessary for the additional work needed to complete the project and to pay outstanding invoices; and

WHEREAS, the Director of the Department of Engineering desires to amend Contract #2017 -

02 to: (a) the total contract amount from \$346,491.90 to \$390,572.90 (an increase of \$44,075.00); and (b) to extend the expiration date of the contract for an additional 90 calendar days until April 16, 2018.

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 and to execute Change Order/Amendment No. 1 to Contract #2017 - 02 Dr. Martin Luther King Jr. Memorial Park Improvements at 147-155 Clinton Avenue, Newark, New Jersey, 07102 with Shauger Property Services Inc., 429 Dodd Street, East Orange, New Jersey 07017, to amend the contract as follows: (a) increase the contract amount from \$346,497.90 to \$390,572.90 (an increase of \$44,075.00 to the total amount of the contract), in accordance with N.J.A.C. 5:30-11.1, et seq.; and (b) to extend the expiration date of the contract for an additional 90 calendar days until April 16, 2018, pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-15 (9).
2. The Municipal Council hereby ratifies the contract amendment from January 16, 2018 to the date of adoption of this authorizing resolution.
3. All other terms and conditions of Contract #2017 - 02, Dr. Martin Luther King Jr Memorial Park Improvements at 147-155 Clinton Avenue, Newark, New Jersey, 07102, shall remain in force and effect until the contract is completed.
4. A fully executed copy of Change Order/Amendment No. 1 to Contract #2017 - 02 Dr. Martin Luther King Jr Memorial Park Improvements at 147-155 Clinton Avenue, Newark, New Jersey 07102, shall be filed in the Office of the City Clerk by the Director of the Department of Engineering.
5. Attached hereto is a Certification of Funds from the Director of Finance of the City of Newark, which states (1) that there are sufficient funds in the amount of \$44,075.00 for the hereinabove Change Order No. 1, and (2) the line appropriations of the official budgets which shall be charged are as follows: Fund NW027, Dept. A17, Project EC7C0, Account 72090, Budget Year B2017.
6. 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 designee, the Director of the Department of Engineering, to execute Change Order/Amendment No.1 to Contract #2017 - 02 Dr. Martin Luther King Jr Memorial Park Improvements at 147-155 Clinton Avenue, Newark, New Jersey 07102, with Shauger Property Services, Inc., 429 Dodd Street, East Orange, New Jersey 07017, to amend the contract as follows: (a) increase the contract amount from \$346,497.90 to \$390,572.90 (an increase of \$44,075.00 to the total amount of the contract), in accordance with N.J.A.C. 5:30-11.1, et seq.; and (b) to extend the expiration date of the contract for an additional 90 calendar days until April 16, 2018, pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-15(9).