



Legislation Details (With Text)

File #: 20-1612 **Version:** 1 **Name:** Resolution: Change Order to Contract 04-2014(R)/Amend Resolution 7R3-a(s)050917 - Berto Construction, Inc.,

Type: Resolution **Status:** Adopted

File created: 12/9/2020 **In control:** Engineering

On agenda: 2/3/2021 **Final action:** 2/3/2021

Title: Dept/ Agency: Engineering
 Action: Ratifying Authorizing Amending
 Type of Service: Change Order/Amend Resolution
 Purpose: To provide an amendment to Contract 04-2014 (R), Broad Street at South Street, Tichenor Street and Lincoln Park Pedestrian Safety Project to extend the new final construction completion date.
 Entity Name: Berto Construction, Inc.
 Entity Address: 625 Leesville Avenue, Rahway, New Jersey 07065
 Contract Amount: Not to exceed \$2,263,406.89
 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.

This Amendment will extend the contract period date for substantial completion of the contract, make full payment to Berto Construction, Inc., and close-out with NJDOT/FHWA with a new final completion date of October 25, 2020, 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
2/3/2021	1	Municipal Council	Adopt	Pass

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This Amendment will extend the contract period date for substantial completion of the contract, make full payment to Berto Construction, Inc., and close-out with NJDOT/FHWA with a new final completion date of October 25, 2020, pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-15(9).

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. and the City's construction management consultant, KS Engineer, P.C., submitted a letter explaining the necessary field adjustments and revisions to the plans resulting from unforeseen field conditions that are required to complete the contract; and recommended a time extension of 365 days, final completion to be October 25, 2020; and

WHEREAS, the Director of the Department of Engineering and the contractor, Berto Construction, Inc., agreed that a time extension of 365 days is necessary for the additional work needed to complete the project; and

WHEREAS, the Director of the Department of Engineering desires to amend the term of Contract 04-2014(R) to allow for an extension of time of 365 calendar days with a new final construction completion date of October 25, 2020.

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 on behalf of the City of Newark to execute an 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, with Berto Construction, Inc., 625 Leesville Avenue, Rahway, New Jersey 07065, to amend the contract term to allow for an extension of time of 365 calendar days, providing a new final construction completion date

of October 25, 2020, 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 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 execute a 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, with Berto Construction, Inc., 625 Leesville Avenue, Rahway, New Jersey 07065, to amend the contract term to allow for an extension of time of 365 calendar days, providing a new final construction completion date of October 25, 2020, pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-15(9).