



Legislation Details (With Text)

File #: 20-0467 **Version:** 1 **Name:** Close out Change Order No. 1 for Contract 01-WS2017 - Montana Construction Corp.

Type: Resolution **Status:** Adopted

File created: 3/30/2020 **In control:** Water Sewer Utility

On agenda: 4/21/2020 **Final action:** 4/21/2020

Title: Dept./ Agency: Water and Sewer Utilities
Action: () Ratifying (X) Authorizing (X) Amending
Type of Service: Close out Change Order #1/Amend Resolution 7R12-h adopted on August 2, 2017
Purpose: To execute Change Order #1 for Emergency Repair of Sewers Project Contract 01-WS2017.
Entity Name: Montana Construction Corporation, Inc.
Entity Address: 80 Contant Avenue, Lodi, New Jersey 07644
Contract Amount: Not to exceed \$2,161,514.15
Funding Source: 2019 Budget/Department of Water and Sewer Utilities/NW038-806-8067-71970
Contract Period: 730 Calendar days commencing on a date to be specified on a written Notice to Proceed
Contract Basis: (X) Bid () State Vendor () Prof. Ser. () EUS
(X) Fair & Open () No Reportable Contributions () RFP () RFQ
() Private Sale () Grant () Sub-recipient () N/A
Additional Information:
Original Resolution 7R12-h adopted on August 2, 2017 awarded a contract in an amount not to exceed \$1,741,895.00.
Change Order #1 will increase the contract amount by \$419,619.15 and for a total contract amount not to exceed \$2,161,514.15.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
4/21/2020	1	Municipal Council	Adopt	Pass

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Additional Information:
Original Resolution 7R12-h adopted on August 2, 2017 awarded a contract in an amount not to

exceed \$1,741,895.00.

Change Order #1 will increase the contract amount by \$419,619.15 and for a total contract amount not to exceed \$2,161,514.15.

WHEREAS, Resolution 7R12-h adopted on August 2, 2017, by the Municipal Council authorized the award of Contract 01-WS2017 Emergency Repair of Sewers Project, to Montana Construction Corporation Inc., 80 Contant Avenue, Lodi, New Jersey 07644 (“Montana”), in the amount of \$1,741,895.00, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, during the course of the Project, additional emergency repair of sewers were found to be necessary to prevent disruptions to the operation of the Department of Water and Sewer Utilities. A new Emergency Repair of Sewers contract was not expected to become in effect until later, and due to public health and safety the Department of Water and Sewer Utilities undertook additional sewer repairs under the existing Contract 01-WS2017; and

WHEREAS, Montana Construction Corporation Inc., performed additional emergency sewer repairs in the total amount of \$419,619.15; and

WHEREAS, Contract 01-WS2017, therefore, is to be amended with a net amount of \$419,619.15 to be added to the total contract amount; and

WHEREAS, the Department of Water and Sewer Utilities, wishes to execute Contract Close out Change Order #1 to Contract 01-WS2017 Emergency Repair of Sewers Project, with Montana Construction Corporation Inc., 80 Contant Avenue, Lodi, New Jersey 07644, increasing the contract by \$419,619.15, for a total contract amount not to exceed \$2,161,514.15; and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C, which forbids the award of a contract of a Business Entity, as defined therein, which has made or solicited political contributions to Newark Municipal Candidates, office holders having ultimate responsibility for the award of a contract; candidate committees of the aforementioned candidates, and political or political party committees of the City of Newark or County of Essex; and continuing political committees or political action committees regularly engaged in the support of the City of Newark Municipal or County of Essex elections; and certain other political party or candidate committees, in excess of certain thresholds.

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

1. The Municipal Council hereby authorizes the Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities, to execute Close Out Change Order #1 to Contract 01-WS2017 Emergency Repair of Sewers Project, with Montana Construction Corporation Inc., 80 Contant Avenue, Lodi, New Jersey 07644, increasing the contract by \$419,619.15, for a total contract amount not to exceed \$2,161,514.15.

2. Attached hereto is a Certification of Funds from the Chief Financial Officer, which states that funds in the amount of \$419,619.15, are available in the Water and Sewer Utilities Capital Budget under Business Unit NW038, Department ID 806, Division 8067, Account 71970, Budget Ref. B2019 and which shall be filed along with the original resolution in the Office of the City Clerk.

3. The Director of the Department of Water and Sewer Utilities shall file a fully executed copy of the Close out Change Order #1 in the Office of the City Clerk.

4. This contract was solicited and awarded pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and is in compliance with the City's Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.

5. If required by State Law, the City Clerk shall provide the appropriate notice of the award of this contract to the State Comptroller no later than twenty (20) business days following such award, in accordance with N.J.S.A. 52:15C-10 and the Notice of the office of the State Comptroller dated May 7, 2008.

STATEMENT

This resolution authorizes the Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities, to execute Close out Change Order #1 to Contract 01-WS2017 Emergency Repair of Sewers Project, with Montana Construction Corporation Inc., 80 Contant Avenue, Lodi, New Jersey 07644, increasing the contract by \$419,619.15, for a total contract amount not to exceed \$2,161,514.15.