



Legislation Details (With Text)

**File #:** 16-1666      **Version:** 1      **Name:** Close out Change Order No. 1 for Repairs to Cedar Grove Dams - Ritacco Construction  
**Type:** Resolution      **Status:** Adopted  
**File created:** 10/21/2016      **In control:** Water Sewer Utility  
**On agenda:** 12/7/2016      **Final action:** 12/7/2016

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Change Order/Amend Resolution 7R12-bNovember 17, 2014  
Purpose: Execute Contract Close out and Final Quantities Change Order No. 01 for Repairs to Cedar Grove Reservoir Dams Contract 08-WS2012  
Entity Name: Ritacco Construction Inc.  
Entity Address: 10 Lawrence Street, Belleville, New Jersey 07109  
Contract Amount: Original Contract Amount: \$1,868,578.75, Increase for additional work: \$109,441.81, Resulting Final Contract Amount: \$1,978,020.56  
Funding Source: Water and Sewer Utility Capital Budget  
Contract Period: 270 Calendar Days to Final Completion extended by 400 days  
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:  
Final Quantities Change Order and Contract Close-Out which increases the total Contract by \$109,441.81, and extends the completion time by 400 calendar days.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
12/7/2016	1	Municipal Council	Adopt	Pass

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**Additional Information:**  
Final Quantities Change Order and Contract Close-Out which increases the total Contract by \$109,441.81, and extends the completion time by 400 calendar days.

**WHEREAS**, Resolution 7R12-b dated November 17, 2014, authorized the award of Contract 08-WS2012 Repairs to Cedar Grove Reservoir Dams to, Ritacco Construction, Inc., 10 Lawrence Street, Belleville, New Jersey 07109, in the amount of \$1,868,578.75, 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, Ritacco Construction, Inc. encountered unforeseen conditions, the most significant being multiple work stoppages due to legal challenges raised by the Township of Cedar Grove against the City of Newark; wherein the City was forced to litigate and defend its interests, and the New Jersey Superior Court subsequently ruled in the City's favor finding the City within its rights to continue its work under the Project; and

**WHEREAS**, these unforeseen conditions and work stoppages due to the legal challenges raised by the Township of Cedar Grove, resulted in additional work in the amount of \$109,441.81, and additional time of four hundred (400) calendar days; and

**WHEREAS**, the said additional cost of \$109,441.81, and the additional time of four hundred (400) calendar days, are beyond the contract provisions as detailed in the attached Change Order No. 01; and

**WHEREAS**, the Department of Water and Sewer Utilities desires to close out Contract 08-WS2012 with a net amount of \$109,441.81 to be added to the total contract amount and four hundred (400) calendar days to be added to the contract completion time; and

**WHEREAS**, the Department of Water and Sewer Utilities wishes to execute Final Quantities Change Order No.01 to Contract 08-WS2012 Repairs to Cedar Grove Reservoir Dams, with Ritacco Construction, Inc., 10 Lawrence Street, Belleville, New Jersey 07109, increasing the contract by \$109,441.81, bringing the final contract amount to \$1,978,020.56 and extending the contract completion time by four hundred (400) calendar days; 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 Final Quantities Change Order No. 01 to Contract 08-WS2012 Repairs to Cedar Grove Reservoir Dams with Ritacco Construction Inc., 10 Lawrence Street, Belleville, New Jersey 07109, which increases the contract by \$109,441.81, brings the final contract amount to \$1,978,020.56 and extends the contract completion time by four hundred (400) calendar days.
2. Funds for this Change Order No. 01 in the amount of \$109,441.81 are provided under Water

Sewer Utility Capital Budget as follows:

\$2,000.00 as Business Unit: NW051, Dept ID: G05, Project: W15B0, Account: 71050;  
\$10,000.00 as Business Unit: NW051, Dept ID: G05, Project: W15B0, Account: 71270;  
\$83,794.25 as Business Unit: NW041, Dept ID: 10W, Project: 10W50, Account: 94710;  
\$13,647.56 as Business Unit: NW041, Dept ID: 10W, Project: 10W60, Account: 94710.

3. A fully executed copy of the Final Quantities Change Order No. 01 shall be filed in the Office of the City Clerk by the Director of the Department of Water and Sewer Utilities.

4. A fully executed copy of the Final Quantities Change Order No. 01 shall be filed with the New Jersey Department of Environmental Protection (NJDEP) by the Director of the Department of Water and Sewer Utilities.

5. This contract was solicited and awarded pursuant to the fair and open procedures in accordance with the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5), and pursuant to the provisions of the Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a)(i), and is in compliance with the City's Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.

6. 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 Final Quantities Change Order No. 01 to Contract 08-WS2012 Repairs to Cedar Grove Reservoir Dams, with Ritacco Construction Inc., 10 Lawrence Street, Belleville, New Jersey 07109, which increases the contract by \$109,441.81, brings the final contract amount to \$1,978,020.56 and extends the contract completion time by four hundred (400) calendar days.