



Legislation Details (With Text)

**File #:** 22-0045      **Version:** 1      **Name:** Resolution: Change Order #2 - Contract 12-WS2017 - CMS Construction, Inc.,  
**Type:** Resolution      **Status:** Adopted  
**File created:** 1/13/2022      **In control:** Water Sewer Utility  
**On agenda:** 4/6/2022      **Final action:** 4/6/2022

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: (X) Ratifying (X) Authorizing (X) Amending  
Type of Service: Change Order/Amend Resolution Change Order#2 Amending Resolution 7R12-a (AS) adopted on February 19, 2020 and Resolution 7R12-b adopted on January 21, 2021  
Purpose: To execute Change Order #2 for South Street and Adams Street Drainage Improvements - Contract 12-WS2017.  
Entity Name: CMS Construction, Inc.  
Entity Address: 521 North Avenue, Plainfield, New Jersey 07060  
Contract Amount: Not to exceed \$4,015,264.85  
Funding Source: 2019 Budget/Department of Water and Sewer Utilities/NW044-19C-19C01-94710-B2019  
Contract Period: 439 calendar days to final completion from the date of the issuance of 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:  
Resolution 7R12-a(AS) adopted on February 19, 2020 awarded a contract in an amount not to exceed \$3,830,096.10 for a period of (219) calendar days to final completion from the date of the issuance of a written Notice to Proceed.

Resolution 7R12-b adopted on January 21, 2021 authorized Change Order #1, which extended the contract period by (130) calendar days, for a total contract period (349) calendar days from the date of issuance of a written Notice to Proceed.

Change Order #2 will increase the contract amount by \$185,168.75 for a total contract amount not to exceed \$4,015,264.85, which will extend the contract period by (90) calendar days for a total contract period of (349) calendar days from the date of issuance of a written Notice to Proceed.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
4/6/2022	1	Municipal Council	Adopt	Pass

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Change Order #2 will increase the contract amount by \$185,168.75 for a total contract amount not to exceed \$4,015,264.85, which will extend the contract period by (90) calendar days for a total contract period of (349) calendar days from the date of issuance of a written Notice to Proceed.

**WHEREAS**, Resolution 7R12-a(AS) adopted on February 19, 2020 authorized the award of Contract 12-WS2017 to, CMS Construction Inc., 521 North Avenue, Plainfield, New Jersey 07060, in the amount of \$3,830,096.10, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, Resolution 7R12-b adopted on January 21, 2021 authorized Change Order #1 which extended contract period by (130) calendar days, for a total contract period of (439) calendar days from the date of the issuance of a written Notice to Proceed; and

**WHEREAS**, during the course of the Project, it was determined that additional work is needed to accommodate the service required to complete the South Street and Adams street Cleaning of the outfall and installations of rip rap work; and

**WHEREAS**, CMS Construction, Inc., submitted a proposal cost for work in the amount of One Hundred Eighty-Six Thousand One Hundred Sixty-Eight Dollars and Seventy-Five Cents (\$186,168.75) and an extension of (90) calendar days to the contract period; and

**WHEREAS**, the Department of Water and Sewer Utilities wishes to execute Change Order #2 to Contract 12-WS2017 South Street and Adams Street Drainage Improvements Project with CMS Construction, Inc., 521 North Avenue, Plainfield, New Jersey 07060, increasing the contract by One Hundred Eighty-Six Thousand One Hundred Sixty-Eight Dollars and Seventy-Five Cents (\$186,168.75), bringing the contract amount not to exceed \$4,015,264.85, and extending the contract completion period by ninety (90) additional days for a total calendar period of (439) calendar days from the date of the issuance of a written Notice to Proceed; 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 of the City of Newark and/or his designee, the Director of the Department of Water and Sewer Utilities, to enter into and execute Change Order #2 to Contract 12-WS2017 South Street and Adams Street Drainage Improvements Project with CMS Construction, Inc., 521 North Avenue, Plainfield, New Jersey 07060, increasing the contract by One Hundred Eighty-Six Thousand One Hundred Sixty-Eight Dollars and Seventy-Five Cents (\$186,168.75), bringing the contract amount not to exceed \$4,015,264.85 and extending the contract completion period by (90) days for a total contract period of (439) calendar days.
2. This Change Order, which increases the total contract amount and extends the total contract time to completion, is ratified from the date of the written Notice to Proceed to the date of adoption of this authorizing Resolution.
3. Attached hereto is a Certification of Funds from the Chief Financial Officer, which states that funds in the amount of One Hundred Eighty-Six Thousand One Hundred Sixty-Eight Dollars and Seventy-Five Cents (\$186,168.75), are available in the Water and Sewer Utilities Capital Budget under Business Unit NW044, Department ID 19C, Division/Project 19C01, Account # 94710, Budget Ref. B2019 and which shall be filed along with the original resolution in the Office of the City Clerk.
4. The Director of the Department of Water and Sewer Utilities shall file a fully executed copy of the Change Order #2 in the Office of the City Clerk.
5. The Director of the Department of Water and Sewer Utilities shall also file a fully executed copy of the Change Order #2 with the New Jersey Department of Environmental Protection (NJDEP).
6. 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.
7. 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 ratifies and authorizes the Mayor of the City of Newark and/or his designee, the Director of the Department of Water and Sewer Utilities, to execute Change Order #2 to Contract 12-WS2017 South Street and Adams Street Drainage Improvements Project, with CMS Construction Inc., 521 North Avenue, Plainfield, New Jersey 07060, which will increase the contract amount by \$185,168.75 bringing the total contract amount not to exceed \$4,015,264.85 and extending the completion contract period by (90) calendar days for a total of (439) calendar days from the date of the issuance of a written Notice to Proceed.