



## Legislation Text

File #: 12-1350, Version: 6

**Dept/ Agency:** Engineering

**Action:** ( ) Ratifying (X) Authorizing ( ) Amending

**Type of Service:** Change Order/Amend Resolution 2010

**Purpose:** Broad Street Streetscape - Phase 3A - 2009 Transportation -Enhancement increase funds in the amount of \$495,873.86 and extend the term of the contract

**Entity Name:** Berto Construction, Inc.

**Entity Address:** 625 Leesville Avenue, Rahway, New Jersey 07065

**Contract Amount:** \$2,335,455.99

**Funding Source:** Capital

**Contract Period:** extending term of the contract to October 1, 2012

**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 Resolution #7R4-A, adopted September 15, 2010

**Deferred 7R4-a 100312**

**Deferred 7R4-a 101712**

**Invitation: Engineering Director and Berto's Administration, November 7, 2012**

**Deferred 7R4-a 110812**

**Invitation: Engineering Director and Berto's Construction Representative, November 19, 2012**

**No Action Taken, November 20, 2012**

**WHEREAS**, Resolution No. 7R4-A, adopted September 15, 2010, authorized the Director of the Department of Engineering to accept the bid proposal and execute Contract No. 18-2009, Broad Street Streetscape - Phase 3A - 2009 Transportation Enhancement, with Berto Construction Inc., 625 Leesville Avenue, Rahway, New Jersey 07065, for the amount of \$1,839,582.13; and

**WHEREAS**, at the request of the Department of Engineering, both decreases and increases in contract quantities, totaling a 27% increase in the contract amount due to field adjustments, revisions and unforeseen field conditions; and

**WHEREAS**, the changes were related to electrical and traffic signal modifications at Broad Street and Branford Place, and at Broad Street and Franklin Street. In order to provide safe pedestrian crossings at these intersections, traffic signal modifications were made to the original plans in order to provide a crosswalk with pedestrian countdown traffic signals; and

**WHEREAS**, in order to meet all new American Disability Act (ADA) ramp requirements, New Jersey Department of Transportation (NJDOT) required the City of Newark to make modifications to the ramps by eliminating granite and adding domes to the ADA ramps; and

**WHEREAS**, due to unforeseen field conditions, the City of Newark was required to reconstruct basement vault roofs that no longer provided the structural integrity needed to support the sidewalks at 827, 829 and 843 Broad Street; and

**WHEREAS**, the City of Newark received notice of approval on May 16, 2012 from NJDOT(a copy of the NJDOT authorization letter is attached hereto and made a part hereof) for Change Order No. 1 to Contract No. 18-2009, Broad Street Streetscape - Phase 3A - 2009 Transportation Enhancement, increases the contract amount by \$495,873.86; and

WHEREAS, the Director of the Department of Engineering hereby certifies that the factual circumstances leading to the increase in the contract amount and the process to thereby amend the contract is in compliance with N.J.A.C. 5:30-11.9; and

**WHEREAS**, the attached Change Order No. 1 to Contract No. 18-2009, Broad Street Streetscape - Phase 3A - 2009 Transportation Enhancement, increases the contract amount by \$495,873.86, thereby bringing the total amount of this contract to \$2,335,455.99.

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

1. The Municipal Council, in accordance with N.J.A.C. 5:30-11.9, hereby approves the amendment of Contract No. 18-2009, Broad Street Streetscape - Phase 3A - 2009 Transportation Enhancement by the execution of Change Order No. 1, increasing the total contract amount and extending the contract period to October 1, 2012. The Mayor and/or his designee and the Director of the Department of Engineering are hereby authorized on behalf of the City of Newark to execute Change Order No. 1 to Contract No. 18-2009, Broad Street Streetscape - Phase 3A - 2009 Transportation Enhancement, for the amount of \$495,873.86, thereby bringing the total amount of this contract to \$2,335,455.99.
2. Attached hereto are certifications of funds issued by the Chief Financial Officer, City of Newark, which states that there are available sufficient legally appropriated funds in the amount of \$495,873.86 for the purpose set forth hereinabove. A copy of this certification of funds shall be filed in the Office of the City Clerk by the Director of the Department of Engineering together with this resolution.
3. A fully executed copy of Change Order No. 1 to Contract No. 18-2009, Broad Street Streetscape - Phase 3A - 2009 Transportation Enhancement, along with the Certification of the Director of the Department of Engineering, shall be filed in the Office of the City Clerk by the Director of Engineering.
4. No other changes or amendments to this contract are allowed without prior Municipal Council approval.
5. Consistent with the provisions of the Local Public Contracts Law, N.J.S.A. 40:A:11-15 (9), the Director of the Department of Engineering is authorized to extend the time to complete this contract to October 1, 2012. All other terms and conditions of the contract remain in full force and effect.

6. Funds for Change Order No. 1 to Contract No. 18-2009, Broad Street Streetscape - Phase 3A - 2009 Transportation Enhancement, in the amount of \$495,873.86 is provided as below:

Fund 045, Department 007, Project 07B40, Account 94710, Budget Year B2007.

- 7.

A notice of this action shall be published in the local newspaper authorized by law to publish a legal advertisement and as required by law, within ten (10) days of the adoption of this resolution.

8.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 may7, 2008.

9. The Clerk shall report this change order, which exceeds the 20%limitation of N.J.A.C. 5:30-11.3(a)(9), to the Director of Community Affairs on an appendix to the budget and include it as supplemental material in the annual audit, in accordance with N.J.A.C. 5:30-11.9 (d).

#### **STATEMENT**

This Resolution authorizes the Mayor and/or his designee and the Director of the Department of Engineering, to execute Change Order No. 1 to Contract No. 18-2009, Broad Street Streetscape - Phase 3A - 2009 Transportation Enhancement, increasing funds in the amount of \$495,873.86, thereby bringing the total amount of this contract to \$2,335,455.99 and extending the term of the contract to October 1, 2012.