



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 12-0290, Version: 1

**Dept/ Agency:** Engineering

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

**Type of Service:** Change Order/Amend Resolution #7R4-h 080311

**Purpose:** Proposed Playground at the Harriet Tubman Elementary School

**Entity Name:** Rich Picerno Builders, LLC

**Entity Address:** 500 Holies Drive, Kenilworth, NJ 07033

**Contract Amount:** Additional \$3,102.00 for a total amount not to exceed \$110,343.00

**Funding Source:** City of Newark Budget /Engineering

**Contract Period:** October 4, 2011 through April 30, 2012

**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:**

**WHEREAS**, Resolution 7R4-h 080311 adopted August 3, 2011, authorized the Director of the Department of Engineering to execute Contract #10-2011 with Rich Picerno Builders, LLC, 500 Holies Drive, Kenilworth, NJ 07033, for the Renovations to the Harriet Tubman Elementary School Playground (504 South 10th Street Newark, NJ 07103) for the total not to exceed amount of \$107,241.00; and

**WHEREAS**, a "Notice to Proceed" for a two month contract was issued on October 4, 2011, specifying October 4, 2011 as the effective date and ending on December 2, 2011; and

**WHEREAS** a change order was requested by Netta Architects, 25 Route 22 East, Suite 290, Springfield, NJ 07081, the Construction Monitor retained by the City of Newark, to eliminate the overlapping of the playground area surface and the beginning of the sidewalk pavement and incorporate a tapered and handicap accessible fall area; and

**WHEREAS**, it was agreed that the construction cost to be used will be computed from the total cost submitted by Rich Picerno Builders in their bid proposal divided by the square footage of the surface ( $\$31,723.00 / 3,095 \text{ SF} = \$10.25 \text{ SF}$ ); and

**WHEREAS**, it was agreed by Rich Picerno Builders, LLC that it would discount the total cost by 15%. Accordingly, the total cost of the change order for the additional scope of work is \$3,102.00 ( $356 \text{ SF} \times \$10.25 \text{ SF} \text{ minus } (15\% \text{ cost reduction}) = \$3,102.00$ ).

**WHEREAS**, the funding for this amendment/change order are available and certified; and

Original Amount for Construction	\$107,241.00
Amount of Change Order	\$ 3,102.00

Total Amount Not to Exceed \$110,343.00

**WHEREAS**, these services were not previously included in the original proposal. The Director of the Department of Engineering desires to amend Contract #10-2011 proposed playground for the Harriet Tubman Elementary School (504 South 10th Street Newark, NJ 07103), with Rich Picerno Builders, LLC, 500 Holies Drive, Kenilworth, NJ 07033, to increase the contract amount by \$3,102, so that the new contract amount is an amount not to exceed \$110,343.00; and

**WHEREAS**, the increase in the scope of work does not materially change the size, nature or scope of the project or constitute a substantial increase in costs above the original contract amount, nor could it be reasonably effectuated by a separately bid contract without unduly disrupting the work or subjecting the users of the site to potential harm.

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

1. The Mayor and/or his designee and the Director of Engineering are hereby authorized to execute Amendment #1 to Contract #10-2011 Renovations to the Harriet Tubman Elementary School Playground (504 South 10th Street Newark, NJ 07103), with Rich Picerno Builders, LLC, 500 Holies Drive, Kenilworth, NJ 07033, in the amount of \$3,102.00, thereby amending the total contract amount to an amount not to exceed \$110,343.00 and extending the term of the contract to April 30, 2012, for payment only.
2. All other terms and conditions of Contract #10-2011 shall apply and remain in force till the contract is completed.
3. A fully executed copy of Amendment #1 shall be filed in the Office of the City Clerk by the Director of the Department of Engineering.
4. Attached hereto is a Certification 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 \$3,102.00 for the purpose set forth hereinabove. A copy of the Certification of Funds issued is to be filed in the Office of the City Clerk by the Director of Engineering or his designee.
5. No further amendments or modifications to this amended contract shall be permitted without prior Municipal Council approval.
6. There shall be no advance payments made against this contract in accordance with N.J.A.C. 40A:5-16.
7. Funds in the amount of \$3,102.00 for this contract is provided as below:  
Fund 051, Dept. G05, Project A15S0, Account 96210, Budget Yr. B2005.

**STATEMENT**

This resolution ratifies and authorizes the Mayor and/or his designee and the Director of Engineering to execute Amendment #1 to Contract #10-2011 Renovations to the Harriet Tubman Elementary School Playground (504 South 10th Street Newark, NJ 07103), with Rich Picerno Builders, LLC, 500 Holies Drive, Kenilworth, NJ 07033 for \$3,102.00, thereby amending the total amount of the contract to an amount not to exceed \$110,343.00 and extending the term of the contract to April 30, 2012, for payment only.