



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 15-0618, Version: 1

**Dept/ Agency:** Engineering

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

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

**Purpose:** Ironbound Stadium "A" Field Environmental Remediation and Football Field Restoration at Saint Charles Street, Newark, New Jersey 07105

**Entity Name:** Weston Solutions, Inc.

**Entity Address:** 1 Gateway Center, Suite 2600, Newark, New Jersey 07102

**Contract Amount:** \$934,644.00

**Funding Source:** Hess Fund

**Contract Period:** Amend the term of the contract from April 3, 2014 through April 2, 2015 to April 3, 2014 through April 2, 2016

**Contract Basis:** ( ) Bid ( ) State Vendor (X) Prof. Ser. ( ) EUS

( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ

( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a

**Additional Information:**

Amending Resolution 7R4-C (AS) adopted March 5, 2014

Contract 05-2014PS Ironbound Stadium "A" Field Environmental Remediation and Football Field Restoration at Saint Charles Street, Newark, New Jersey 07105

**WHEREAS**, Resolution 7R4-c (AS) adopted March 5, 2014, authorized the Director of the Department of Engineering to execute Contract #05-2014PS Ironbound Stadium "A" Field Environmental Remediation and Football Field Restoration at Saint Charles Street, Newark, New Jersey 07105 with Weston Solutions, Inc., 1 Gateway Center, Suite 2600, Newark, New Jersey 07102, in the amount of \$934,644.00; and

**WHEREAS**, a 'Notice to Proceed' was issued dated April 3, 2014, specifying April 3, 2014 as the effective date and ending on April 2, 2015; and

**WHEREAS**, on March 19, 2015, Weston Solutions advised the City in writing that all of the work could not be completed within the contract timeframe due to the following factors: (a) significant weather delays; (b) the allocation agreement was not finalized within the specified timeframe; and (c) construction delays (See Attachment A); and

**WHEREAS**, the Director of the Department of Engineering desires to amend Contract #05-2014PS, to extend the contract term from April 3, 2014 through April 2, 2015 to April 3, 2014 through April 2, 2016, at no additional cost to the City; and

**WHEREAS**, the contracted services are Professional Services and are exempt from the public bidding requirements of the Local Public Contracts Law, pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that notice of the

award of contracts for "Professional Services" without competitive bidding must be published in a local newspaper; and

**WHEREAS**, this contract is for an amount over \$17,500.00 and is being awarded as a fair and open contract pursuant to N.J.S.A. 19:44A-20.5; 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 to 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 Mayor and/or his designee and the Director of Engineering are hereby authorized to execute Amendment #1 to Contract #05-2014PS Ironbound Stadium "A" Field Environmental Remediation and Football Field Restoration at Saint Charles Street, Newark, New Jersey 07105, with Weston Solutions, Inc., 1 Gateway Center, Suite 2600, Newark, New Jersey 07102, to amend the term from April 3, 2014 through April 2, 2015 to April 3, 2014 through April 2, 2016. The contract amendment is hereby ratified from April 2, 2015 to the date of the adoption of this resolution.
2. All other terms and conditions of Contract #05-2014PS Ironbound Stadium "A" Field Environmental Remediation and Football Field Restoration at Saint Charles Street, Newark, New Jersey 07105, shall apply and remain in force until the contract is completed.
3. A fully executed copy of Amendment #1 to Contract #05-2014PS Ironbound Stadium "A" Field Environmental Remediation and Football Field Restoration at Saint Charles Street, Newark, New Jersey 07105, shall be filed in the Office of the City Clerk by the Director of the Department of Engineering.
4. No municipal funds are required for this Amendment.
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. Notice of the award of this contract amendment shall be published in a newspaper within ten (10) days of adoption.
8. This amendment to a professional service contract is being awarded pursuant to the fair and open procedures of 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:11-1, *et seq.*; is in compliance with the City's Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.

### **STATEMENT**

This resolution authorizes the Mayor and/or his designee and the Director of Engineering, to execute Amendment #1 to Contract #05-2014PS Ironbound Stadium "A" Field Environmental Remediation and Football Field Restoration at Saint Charles Street, Newark, New Jersey 07105, to amend the term from April 3, 2014 through April 2, 2015 to April 3, 2014 through April 2, 2016, with Weston Solutions, Inc., 1 Gateway Center, Suite 2600, Newark, New Jersey 07102, at no additional cost to the City. The contract amendment is hereby ratified from April 2, 2015 to the date of the adoption of this resolution.