



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 20-1690, Version: 1

Dept./ Agency: Water and Sewer Utilities

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

Type of Service: Bid Contract

Purpose: To execute Change Order #1 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

Total Contract Amount: Not to exceed \$3,830,096.10

Funding Source: 2019 Budget/Department of Water and Sewer Utilities/NW044-19C-19C01-94710-B2019

Contract Period: 349 calendar days to final completion from the date of the 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 written Notice to Proceed.

Change Order #1 will extend the original completion period by 130 calendar days with no change in contract amount.

WHEREAS, Resolution 7R12-a(as) dated 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, during the course of the project, unexpected delays were encountered which necessitated an additional time of one hundred and thirty (130) calendar days required to complete the project; and

WHEREAS, the Contract 12-WS2017 is to be amended with no change in contract amount, and 130 calendar days to be added to the contract completion time; and

WHEREAS, the Department of Water and Sewer Utilities wishes to execute Change Order No.01 to Contract 12-WS2017 South Street and Adams Street Drainage Improvements Project with CMS Construction Inc, 521 North Avenue, Plainfield, New Jersey 07060, with no change in the contract amount, and extending the contract completion time by 130 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 Change Order No. 01 to Contract 12-WS2017 South Street and Adams Street Drainage Improvements Project with CMS Construction Inc, 521 North Avenue, Plainfield, New Jersey 07060, with no change in the contract amount, and extending the contract completion time by 130 calendar days.
2. No Funds are required for this Change Order No. 01.
3. The Director of the Department of Water and Sewer Utilities shall file a fully executed copy of the Change Order No. 01 in the Office of the City Clerk.
4. The Director of the Department of Water and Sewer Utilities shall also file a fully executed copy of the Change Order No. 01 with the New Jersey Department of Environmental Protection (NJDEP).
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 Change Order No. 01 to Contract 12-WS2017 South Street and Adams Street Drainage Improvements Project, with CMS Construction Inc, 521 North Avenue, Plainfield, New Jersey 07060, with no change in the contract amount, and extending contract completion time by one hundred thirty (130) calendar days.