



## Legislation Text

File #: 20-0804, Version: 1

**Dept./ Agency:** Engineering

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

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

**Purpose:** Change Order/Amendment #1 Contract #2018-01R, Various Streets - 2017 (15 Locations) MA-17 Newark Project

**Entity Name:** J.A. Alexander, Inc.

**Entity Address:** 130-158 John F. Kennedy Drive North, Bloomfield, New Jersey 07003

**Contract Amount:** Not to exceed \$2,227,833.46

**Funding Source:** Capital Fund

**Contract Period:** Amended to July 26, 2019 through July 26, 2021

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

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

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

**Additional Information:**

Original Resolution 7R3-a(AS) adopted on May 15, 2019 awarded a contract in an amount not to exceed \$2,227,833.46 for a period of 365 consecutive calendar days from the issuance of a formal Notice to Proceed.

**WHEREAS**, on May 15, 2019 the Municipal Council adopted Resolution 7R3-a(AS), authorizing the Director of the Department of Engineering to accept the bid proposal and execute Contract #2018-01R, Various Street-2017 (15 Locations) MA-17 Newark Project, with J.A. Alexander, Inc., 130-158 John F. Kennedy Drive North, Bloomfield, New Jersey 07003, for an amount not to exceed \$2,227,833.46, which was executed by the parties on June 25, 2020; and

**WHEREAS**, on July 24, 2019, the Department of Engineering issued a formal Notice to Proceed to J.A. Alexander, Inc. that set the contract term as commencing on July 26, 2019 and terminating 365 calendar days thereafter; and

**WHEREAS**, on March 23, 2020, J.A. Alexander, Inc., sent a letter to the City notifying of a potential delay in completing the Contract #2018-01 due to unforeseen circumstances that were caused by the COVID-19 pandemic; and

**WHEREAS**, on July 31, 2020, J.A. Alexander, Inc., submitted a follow up letter to the Department of Engineering requesting additional time to complete the contract from July 26, 2020 through July 26, 2021, due to unforeseen circumstances that were caused by the COVID-19 pandemic, as well as delays that resulted due to the City's emergency lead service replacement projects; and

**WHEREAS**, on August 5, 2020 the Manager of the Division of Traffic and Signals for the Department of Engineering, issued a memorandum to the Director of Engineering recommending Change Order/Amendment #1 to Contract #2018-01R, Various Streets-2017 (15 Locations) MA-17

Newark Project to extend the time to complete Contract #2018-01R from July 26, 2020 through July 26, 2021, due to unforeseen delays; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-15(9), the term of the contract for public works projects may be extended for the length of time authorized and necessary for the completion of the actual construction; and

**WHEREAS**, the Director of the Department of Engineering is requesting authority to execute Change Order/Amendment #1 to Contract #2018-01R, Various Streets-2017 (15 Locations) MA-17 Newark Project between the City and J.A. Alexander, Inc., 130-158 John F. Kennedy Drive North, Bloomfield, New Jersey 07003, due to unforeseen circumstances, to extend the time to complete Contract #2018-01R from July 26, 2020 through July 26, 2021, at no additional cost to the City of Newark, pursuant to N.J.S.A. 40A:11-15(9).

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

1. The Mayor and/or his designee, the Director of the Department of Engineering, are hereby authorized on behalf of the City of Newark to enter into and execute Change Order/Amendment #1 to Contract #2018-01R, Various Street-2017 (15 Locations) MA-17 Newark Project between the City and J.A. Alexander, Inc., 130-158 John F. Kennedy Drive North, Bloomfield, New Jersey 07003, due to unforeseen circumstances, to extend the time to complete Contract No. 2018-01R from July 26, 2020 through July 26, 2021, at no additional cost to the City of Newark, pursuant to N.J.S.A. 40A:11-15(9).

2. All other terms and conditions of Contract #2018-01R, Various Street-2017 (15 Locations) MA-17 Newark Project shall apply and remain in full force and effect.

3. This contract is ratified from July 26, 2020 until the date of adoption of this authorizing resolution by the Municipal Council.

4. No further amendments or modifications to this amended contract shall be permitted without prior Municipal Council approval.

5. A fully executed copy of Change Order/Amendment #1 to Contract #2018-01R, Various Street-2017 (15 Locations) MA-17 Newark Project shall be placed on file in the Office of the City Clerk by the Director of the Department of Engineering.

6. No additional municipal funds are necessary for this Change Order/Amendment #1 to Contract #2018-01R, Various Street-2017 (15 Locations) MA-17 Newark Project.

#### **STATEMENT**

This resolution ratifies and authorizes the Mayor and/or his designee, the Director of the Department of Engineering, to enter into and execute Change Order/Amendment #1 to Contract #2018-01R, Various Street-2017 (15 Locations) MA-17 Newark Project between the City and J.A. Alexander, Inc., 130-158 John F. Kennedy Drive North, Bloomfield, New Jersey 07003, due to unforeseen circumstances, to extend the time to complete Contract #2018-01R from July 26, 2020 through July 26, 2021, at no additional cost to the City of Newark, pursuant to N.J.S.A. 40A:11-15(9).

