



Legislation Text

File #: 21-1851, Version: 1

Dept/ Agency: Water and Sewer Utilities

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

Type of Service: Final Quantities Change Order #3/Amend Resolution 7R12-c adopted on December 2, 2015, Resolution 7R12-g(AS) adopted on June 24, 2020 and Resolution 7R12-f adopted on April 7, 2021

Purpose: To execute Contract Close out Change Order #3 for Rehabilitation of Water Mains (C&L) - Contract 11-WS2011.

Entity Name: Mainlining America, LLC

Entity Address: 555 Pound Road, Elma, New York 14059

Contract Amount: Not to exceed \$14,742,959.18

Funding Source: 2013 Budget/Department of Water and Sewer Utilities Capital Budget/NW041-13W-13WA0-94710-B2013

Contract Period: 730 days from the date of the issuance of a 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-c adopted on December 2, 2015 awarded a contract in an amount not to exceed \$13,733,451.50 for the period of 730 days from the date of the issuance of a Notice to Proceed.

Resolution 7R12-g(AS) adopted on June 24, 2020, authorized Change Order #1 to increase the contract amount by \$648,952.08 for a total contract amount not to exceed \$14,382,403.58 with no extension on final completion.

Resolution 7R12-f adopted on April 7, 2021, authorized Change Order #2 to increase the contract amount by \$137,035.60 for a total contract amount not to exceed \$14,519,439.18 with no extension on final completion.

Resolution 7R6-b adopted November 4, 2021, authorized a Pre-Litigation Settlement in the amount of \$360,555.60, which combined increased Change Order #2 in the amount of \$137,035.60 and Change Order #3 in the amount of \$223,520.00 for new contract total amount not to exceed \$14,742,959.18 with no extension on final completion.

Contract Close out Change Order #3 is for the increased amount of \$223,520.00, which was covered in the Pre-Litigation Settlement; there will be no additional change in the contract amount and no extension on final completion.

WHEREAS, Resolution 7R12-c adopted December 2, 2015, awarded the Contract 11-WS2011, to Mainlining America, LLC, 555 Pound Road, Elma, New York 14059 ("Mainlining"), in the amount of Thirteen Million Seven Hundred Thirteen Thousand Four Hundred Fifty-One Dollars and

Fifty Cents (\$13,733,451.50), in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, Resolution 7R12-g(AS) adopted June 24, 2020, authorized the execution of Change Order #1 to Contract 11-WS2011 with Mainlining, increasing the Contract amount by Six Hundred Forty-Eight Thousand Nine Hundred Fifty-Two Dollars and Eight Cents (\$648,952.08) to a total resulting Contract amount of Fourteen Million Three Hundred Eighty-Two Thousand Four Hundred Three Dollars and Fifty-Eight Cents (\$14,382,403.58), and no change in contract completion time; and

WHEREAS, Resolution 7R12-f adopted on April 7, 2021, authorized the execution of Change Order #2 to Contract 11-WS2011 with Mainlining, increased the Contract amount by One Hundred Thirty-Seven Thousand Thirty-Five Dollars and Sixty Cents (\$137,035.60) for a total resulting Contract amount of Fourteen Million Five Hundred Nineteen Thousand Four Hundred Thirty-Nine Dollars Eighteen Cents (\$14,519,439.18), and no change in contract completion time; and

WHEREAS, Resolution 7R6-b adopted on November 4, 2021, authorized the Pre-Litigation Settlement of Three Hundred Sixty Thousand Five Hundred Fifty-Five and Sixty Cents (\$360,555.60) and Change Order #3 increased the total amount of Two Hundred Two-Three Thousand Five Hundred Twenty Dollars and Zero Cents (\$223,520.00) for a new contract total amount not to exceed Fourteen Million Seven Hundred Forty-Two Thousand Nine Hundred Fifty-Nine Dollars and Eighteen Cents (\$14,742,959.18) with no extension on final completion: and

WHEREAS, the Contract 11-WS2011, was completed with no final quantity adjustments and no change in contract completion time; and

WHEREAS, the Contract 11-WS2011, is to be amended with no final quantity adjustments and no change in contract completion time; and

WHEREAS, the Department of Water and Sewer Utilities, wishes to enter into and execute Contract Closeout Change Order #3 to Contract 11-WS2011, for Rehabilitation of Water Mains (C&L) with Mainlining America, LLC, 555 Pound Road, Elma, New York 14059, with an increase in the contract amount by Two Hundred Two-Three Thousand Five Hundred Twenty Dollars and Zero Cents (\$223,520.00) bringing the final contract amount to Fourteen Million Seven Hundred Forty-Two Thousand Nine Hundred Fifty-Nine Dollars and Eighteen Cents (\$14,742,959.18), and no change in contract completion time; 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 of the City of Newark and/or his designee, the Director of the Department of Water and Sewer Utilities, to enter into and execute Contract Closeout Change Order #3 to Contract 11-WS2011, Rehabilitation of Water Mains, with Mainlining America, LLC, 555 Pound Road, Elma, New York 14059, no contract amount increase and final total contract amount of \$14,742,959.18.
2. No funds are required for this Contract Closeout Change Order #3.
3. A fully executed copy of the Closeout Change Order #3 shall be filed in the Office of the City Clerk by the Director of the Department of Water and Sewer Utilities.
4. A fully executed copy of the Closeout Change Order #3 shall be filed with the New Jersey Department of Environmental Protection (NJDEP) by the Director of the Department of Water and Sewer Utilities.
5. This contract was solicited and awarded pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., 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 of the City of Newark and/or his designee, the Director of the Department of Water and Sewer Utilities, to enter into and execute Contract Closeout Change Order #3 to Contract 11-WS2011, Rehabilitation of Water Mains, with Mainlining America, LLC, 555 Pound Road, Elma, New York 14059 for no contract amount increase and a final total contract amount of \$14,742,959.18 and no extension of time for final completion.