



## Legislation Text

File #: 19-0652, Version: 1

**Dept/ Agency:** Engineering

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

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

**Purpose:** To provide an Amendment to Contract 04-2014 (R) Broad Street at South Street, Tichenor Street and Lincoln Park Pedestrian Safety Project to extend the expiration date of the contract from May 31, 2019 to October 25, 2019.

**Entity Name:** Berto Construction, Inc.

**Entity Address:** 625 Leesville Avenue, Rahway, New Jersey 07065

**Contract Amount:** \$2,263,406.89

**Funding Source:** New Jersey Department of Transportation (NJDOT)

**Contract Period:** June 1, 2018 through October 25, 2019

**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 Contract 04-2014(R) Resolution 7R3-a(s) adopted on May 9, 2017, for a contract amount of \$2,263,406.89 and contract period of 365 calendar days from the date of the Notice to Proceed. The Notice to Proceed dated May 31, 2018, declared a contract period of June 1, 2018 through May 31, 2019.

This Amendment will extend the contract period date for substantial completion of the contract for an additional 147 days providing a new substantial completion date of August 21, 2019 and new final completion date of October 25, 2019, pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-15(9).

**WHEREAS**, Resolution 7R3-A (s), adopted May 9, 2017, authorized the Mayor and/or his designee, the Director of the Department of Engineering, to enter into and execute Contract 04-2014 (R) Broad Street at South Street, Tichenor Street and Lincoln Park Pedestrian Safety Project at Broad Street, Newark, New Jersey, 07102 (the "Broad Street Project") with Berto Construction, Inc., 625 Leesville Avenue, Rahway, New Jersey 07065, for the total bid amount of \$2,263,406.89 (Contract 04-2014(R)); and

**WHEREAS**, on May 31, 2018, the Department of Engineering issued a Notice to Proceed for Contract 04-2014(R) to Berto Construction, Inc., (Berto) specifying the contract term to fully complete the Broad Street Project for a period of 365 calendar days, commencing June 1, 2018 and terminating on May 31, 2019; and

**WHEREAS**, on May 23, 2019 Berto submitted a letter to the City advising that extra work was required to complete Contract No. 04-2014R due to unforeseen field conditions and necessary revisions to the plans and requested a 147 day extension of time to substantially complete the for Contract No. 04-2014(R); and

**WHEREAS**, the City's construction management professional, KS Engineer, P.C., reviewed the letter submitted by Berto for the extra work and found that necessary field adjustments and revisions to the plans resulting from unforeseen field conditions are required to complete the contract and recommended an extension of time of 147 calendar days, providing a new substantial completion date of August 21, 2019, and a new final completion date of October 25, 2019; and

**WHEREAS**, the Director of the Department of Engineering and the contractor, Berto agreed that a time extension of 145 days is necessary for the additional work needed to complete the project; and

**WHEREAS**, the Director of the Department of Engineering desires to amend the term of Contract 04-2014(R) to allow for an extension of time of 147 calendar days, providing a new substantial completion date of August 21, 2019, and a new final completion date of October 25, 2019.

**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 execute amendment to Contract 04-2014(R) Broad Street at South Street, Tichenor Street and Lincoln Park Pedestrian Safety Project at Broad Street, Newark, New Jersey, 07102 with Berto Construction, Inc., 625 Leesville Avenue, Rahway, New Jersey 07065, to amend the contract term to allow for an extension of time of 147 calendar days, providing a new substantial completion date of August 21, 2019, and a new final completion date of October 25, 2019, pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-15(9).
2. The Municipal Council hereby ratifies the contract amendment from May 31, 2019 to the date of adoption of this authorizing resolution.
3. All other terms and conditions of Contract 04-2014(R), Broad Street at South Street, Tichenor Street and Lincoln Park Pedestrian Safety Project at Broad Street, Newark, New Jersey, 07102, shall remain the same and are in effect until the contract is completed.
4. A fully executed copy of Change Order/Amendment to Contract 04-2014(R) Broad Street at South Street, Tichenor Street and Lincoln Park Pedestrian Safety Project at Broad Street, Newark, New Jersey, 07102, shall be filed in the Office of the City Clerk by the Director of the Department of Engineering.
5. No further amendments or modifications to this amended contract shall be permitted without prior Municipal Council approval.

### **STATEMENT**

This resolution ratifies and authorizes the Mayor and/or his designee, the Director of the Department of Engineering, to execute Change Order/Amendment to Contract 04-2014(R) Broad Street at South Street, Tichenor Street and Lincoln Park Pedestrian Safety Project at Broad Street, Newark, New Jersey, 07102, with Berto Construction, Inc., 625 Leesville Avenue, Rahway, New Jersey 07065, to

amend the contract term to allow for an extension of time of 147 calendar days, providing a new substantial completion date of August 21, 2019, and a new final completion date of October 25, 2019, pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-15(9).