



## Legislation Text

File #: 18-0608, 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 No. 09-2015, Various Streets - 2015 (12 Locations) MA-15 Newark Project

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

**Entity Address:** 130 John F. Kennedy Boulevard, Bloomfield, New Jersey 07003

**Contract Amount:** Increase contract by \$311,465.70 for a revised total contract amount not to exceed \$1,869,066.51

**Funding Source:** City Budget/Department of Engineering, Account # 71930, #71280

**Contract Period:** November 13, 2017 through November 13, 2018

**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:**

Contract No. 09-2015

Contract Amount: \$1,557,600.81

Change Amount: \$311,465.70

New Contract Amount: \$1,869,066.51

**WHEREAS**, Resolution 7R3-d(as), adopted August 2, 2017, authorized the Director of the Department of Engineering to accept the bid proposal and execute Contract No. 09-2015, Various Street-2015 (12 Locations) MA-15 Newark Project, with J.A. Alexander Inc., 130 John F. Kennedy Boulevard, Bloomfield, New Jersey 07003, for the amount of \$1,557,600.81; and

**WHEREAS**, the Department of Engineering issued a formal Notice to Proceed to the Vendor that set the contract term as commencing on November 13, 2017 and terminating 365 calendar days thereafter; and

**WHEREAS**, the Department of Engineering needs to change the contract due to unforeseen circumstances that were caused by the adverse effects of winter weather on the City's infrastructure. The change in contract includes repair of curbs and sidewalks, drainage, water valves and manhole castings and covers, inlets, handicap ramps, and additional resurfacing and milling at the following locations: Mountain View Place, No. 10th Street (cave in major repair), 2nd Street from 3rd Street to First Street, and So. 10th Street from Springfield Avenue to Clinton Avenue; and

**WHEREAS**, the Contractor is willing to accept extra work for the current contract prices on all items with the contract period to remain November 13, 2017 through November 13, 2018, with no need to extend, because they have mobilized, and cost of mobilization for this change order will be zero; and

**WHEREAS**, Change Orders to amend the quantity or character of goods provided or services performed from that originally specified or estimated and to correspondingly change the payment due therefore are authorized up to an amount of twenty percent (20%) of the original contract amount, provided same do not substantially change the quality or character of the items or work to be provided, in as much as such would have been a determining factor in the original bid, pursuant to N.J.A.C. 5:30-11.1, et seq.; and

**WHEREAS**, Change Orders for construction contracts may be issued to address unforeseeable problems, which are defined as conditions or circumstances that could not be foreseen at the time the specifications were written and the contract awarded; provided that a substantial amount of the construction would be delayed, which would result in substantial increases in costs above the original contract amount or substantial inconvenience to the public if bidding were to be required; and minor modifications to effect economies, improve service or resolve minor problems with affected property owners pursuant to N.J.A.C. 5:30-11.8; and

**WHEREAS**, due to the above unforeseen conditions, the Department of Engineering wishes to enter into Change Order/Amendment #1 to increase the amount of Contract No. 09-2015 by \$311,465.70 to address the above-referenced unforeseeable conditions.

**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 issue and approve Change Order/Amendment #1 to Contract No. 09-2015, Various Street-2015 (12 Locations) MA-15 Newark Project between the City and J.A. Alexander Inc., 130 John F. Kennedy Boulevard, Bloomfield, New Jersey 07003, to complete the project that was changed due to unforeseen circumstances, for the increased amount of \$311,465.70 for a revised total contract amount not to exceed \$1,869,066.51.

2. A fully executed copy of Change Order/Amendment #1 to Contract No. 09-2015, shall be filed in the Office of the City Clerk by the Director of the Department of Engineering.

3. Consistent with the provisions of the New Jersey Administrative Code, N.J.A.C. 5:30-11.1, et seq., the Mayor and/or his designee, the Director of the Department of Engineering, are authorized to enter into Change Order/Amendment #1 Contract No. 09-2015, Various Streets - 2015 (12 Locations) MA-15 Newark Project, in the form attached hereto, with J.A. Alexander Inc., 130 John F. Kennedy Boulevard, Bloomfield, New Jersey 07003, to complete the project that was changed due to unforeseen circumstances, by increasing the contract amount by \$311,465.70 for a revised total contract amount not to exceed \$1,869,066.51.

4. This contract is ratified from November 13, 2017 to the date of approval by the Municipal Council.

5. No other changes to this contract are allowed without prior Municipal Council approval.

6. Attached hereto is a Certification of Funds from the Director of Finance of the City of Newark, which states (1) that there are sufficient funds for the hereinabove Change Order/Amendment #1, and (2) the line appropriation of the official budget which shall be charged is:

\$273,604.47 Business Unit: NW011; Department 116; Division/Project 1167; Account# 71930; Budget B2017.

\$37,861.23 Business Unit: NW011; Department 116; Division/Project 1167; Account# 71280; Budget B2017

**STATEMENT**

This resolution hereby 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 No. 09-2015, Various Streets-2015 (12 Locations) MA-15 Newark Project, with J.A. Alexander Inc., 130 John F. Kennedy Boulevard, Bloomfield, New Jersey 07003, to complete the project that was changed due to unforeseen circumstances, by increasing the contract amount by \$311,465.70 for a revised total contract amount not to exceed \$1,869,066.51