



Legislation Text

File #: 21-0184, Version: 1

Dept/ Agency: Water and Sewer Utilities

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

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

Purpose: To provide for Change Order #2 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 \$14,519,439.18

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.

Change Order #2 will 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.

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 \$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) dated June 24, 2020, authorized the execution of Change Order No. 01 to Contract 11-WS2011 with Mainlining, increasing the Contract amount by \$648,952.08 to a total resulting Contract amount of \$14,382,403.58, and no change in contract completion time, in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, during the course of work, the contractor alerted the field inspector to areas of existing cast iron pipe that were too deteriorated to use for reconnecting the water main. In these locations, the contractor performed additional work such as excavation, cutting of the pipe, backfill and restoration to find a portion of pipe in good condition for reconnecting the water main; and

WHEREAS, Contract 11-WS2011, therefore, is to be amended with a net amount of \$137,035.60 to be added to the total contract amount and no additional days to the contract completion; and

WHEREAS, the Department of Water and Sewer Utilities wishes to execute Change Order No.02 to

Contract 11-WS2011 Rehabilitation of Water Mains (C&L) with Mainlining America, LLC, 555 Pound Road, Elma, New York 14059, increasing the contract by \$137,035.60 and no extension of 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 and/or his designee, the Director of the Department of Water and Sewer Utilities, to execute Change Order No. 02 to Contract 11-WS2011, Rehabilitation of Water Mains, with Mainlining America, LLC, 555 Pound Road, Elma, New York 14059, increasing the contract by \$137,035.60, bringing the total contract amount to \$14,519,439.18.
2. Attached hereto is a Certification of Funds from the Chief Financial Officer, which states that funds in the amount of \$137,035.60, are available in the Department of Water and Sewer Utilities, Capital Budget under: Business Unit NW041, Department ID 13W, Project 13WA0, Account 94710, Budget Ref. B2013 (Rehabilitation of Water Mains-Water Capital Funds) and which shall be filed along with the original resolution in the Office of the City Clerk.
3. The Director of the Department of Water and Sewer Utilities shall file a fully executed copy of the Change Order #02 in the Office of the City Clerk.
4. The Director of the Department of Water and Sewer Utilities shall file a fully executed copy of the Change Order #02 with the New Jersey Department of Environmental Protection (NJDEP).
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 and/or his designee, the Director of the Department of Water and Sewer Utilities, to execute Change Order No. 02 to Contract 11-WS2011, Rehabilitation of Water Mains, with Mainlining America, LLC, 555 Pound Road, Elma, New York 14059, increasing the contract by \$137,035.60 bringing the total contract amount to \$14,519,439.18. with no extension to final completion.