



## Legislation Text

File #: 22-0327, Version: 1

**Dept/ Agency:** Engineering

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

**Type of Service:** Professional Services Contract

**Purpose:** Second Amended Guaranteed Energy Saving Service Contract to: Change Order/Reducing Overall Contract amount from \$14,926,369.00 to \$14,315,609.00.

**Entity Name:** Honeywell International, Inc.

**Entity Address:** 15 Tabor Road, Morris Plains, New Jersey 07950

**Contract Amount:** \$14,315,609.00

**Funding Source:** Energy Savings Improvement Program Refunding Bonds

**Contract Period:** Seven (7) years from the date of adoption by the Municipal Council

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

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

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

**Addition Information:**

- Resolution 7R3-a adopted on July 12, 2012 First Amended Guaranteed Energy Savings Services Contract (1) revised Honeywell's Workforce Development responsibilities set forth in Schedule O and instead require Honeywell to make one-time payment of \$87,388.66 to Newark Workforce Development Board; and (2) amend the Installation Schedule L.
- Resolution 7R1-p adopted on March 19, 2014; Phase I; Contract Amount: \$334,535.00 (Amount includes; \$289,166.00 (Services) + \$45,369.00 (Cancellation Fee, if applicable).
- Resolution 7R4-g(AS) adopted on June 17, 2012; Professional Services Contract for independent Energy Measurement and Verification as it relates to the implementation of a long-term Energy Savings Plan in seventeen (17) Municipal Buildings
- Ordinance 6PSF-a adopted on February 9, 2016; Approved Refunding Bond Ordinance ESIP Program.
- Resolution 7R4-a(S/AS) adopted on December 22, 2015; Professional Services Contract Phase II.

**WHEREAS**, Resolution 7R4a(s/as), adopted December 22, 2015, authorized the Director of the Department of Engineering to execute Contract 7R4-A Energy Savings Services Contract, Honeywell, in the total professional service contract of \$14,926,369.00; and

**WHEREAS**, a "Notice to Proceed" was issued on December 9, 2016 as the effective date of the contract and terminating on April 5, 2019 (as modified by Amendment #1); and

**WHEREAS**, on July 12, 2017, the Municipal Council ratified and authorized the Mayor and/or his designee, the Director of the Department of Engineering to execute a First Amended Agreement with Honeywell International Inc., 115 Tabor Road, Morris Plains, New Jersey 07950, to amend the Energy Savings Services Contract to: (1) revise Honeywell's Workforce Development responsibilities set forth in Schedule O; and (2) amend the Installation Schedule L; and

**WHEREAS**, due to a variety of reasons, including multiple public bids and rebids, technical/administrative delays, and the impact of the COVID-19 Pandemic, the project has not moved forward on schedule; and

**WHEREAS**, the Director of the Department of Engineering and the contractor, Honeywell International, Inc. agree that a time extension is necessary to complete the project at no additional cost to the City; and

**WHEREAS**, the Director of the Department of Engineering and the contractor Honeywell International, Inc., agree that the cost credits totaling \$590,128.00 for roof, skylight and building envelope scope that was included in the final public bid documents but, was unable to be performed, and \$20,632.00 for reimbursement to the City of Newark, for a total of 43 gas and electric utility pulse meters (at \$479.81 each), that will be added to the City of Newark's utility bills. This total credit of \$610,760.00 will be issued as a deduct change order, thereby reducing the overall contract amount from \$14,926,369.00 to \$14,315,609.00; and

**WHEREAS**, the Director of Department of Engineering desires to amend Contract 7R4-A Energy Savings Services Contract, to extend and ratify back to the contract term of the construction phase of the project from December 30, 2015 through April 5, 2019 (as modified by Amendment #1), to December 30, 2015 to December 31, 2021, to account for project completion and contract close out at no additional cost to the City of Newark.

**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 a Second Amendment with Honeywell International, Inc., 115 Tabor Road, Morris Plains, New Jersey 07950, to extend the time period to December 31, 2021, to complete this contract with no additional cost to the City, thereby reducing the overall contract amount from \$14,926,369.00 to \$14,315,609.00.
2. The Municipal Council hereby ratifies the Second Amendment Agreement from October 29, 2021 to the date of adoption of this authorizing resolution.
3. All other terms and conditions of the Phase II Contract with Honeywell International, Inc., 115 Tabor Road, Morris Plains, New Jersey 07950, shall remain in force and effect until the contract is completed.
4. A fully executed copy of the Second Amended Agreement with Honeywell International Inc., shall be filed in the Office of the City Clerk by the Director of the Department of Engineering.
5. No additional funding by the City is required by this Second Amended Agreement.
6. No further amendments or modifications to this amended contract shall be permitted without prior Municipal Council approval.
7. The public bidding process under which this contract was awarded pursuant to the Local Public Contract Laws, N.J.S.A. 40A: 11-1 et seq.; which complied with the requirements of the

New Jersey Local Unit Pay-to-Play , N.J.S.A. 19:44A-20.5 *et seq.*; and the processing of the Change Order/Amendment #2 is in compliance with N.J.A.C. 5:30-1.

**STATEMENT**

This Resolution hereby ratifies and authorizes the Mayor and/or his designee, the Director of the Department of Engineering, on behalf of the City of Newark to execute the Second Amended Agreement with Honeywell International, Inc., 115 Tabor Road, Morris Plains, New Jersey 07950, to amend the Energy Savings Services Contract, (1) reducing the overall contract amount from \$14,926,369.00 to \$14,315,609.00; and (2) extending the contract period from December 30, 2015 to December 31, 2021.