



## Legislation Text

File #: 19-0563, Version: 1

**Dept/ Agency:** Water and Sewer Utilities

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

**Type of Service:** Final Quantities Change Order #2/Amend Resolution 7R12-a adopted October 9, 2016 and 7R12-b adopted May 23, 2018

**Purpose:** Execute contract close out Change Order #2 for Netting Facility at Delavan Avenue, Fourth Avenue and Roanoke Avenue under Contract 03/05/06-WS2006

**Entity Name:** Underground Utilities Corporation

**Entity Address:** 711 Commerce Road, Linden, New Jersey 07036

**Contract Amount:** Not to exceed \$4,562,728.16

**Funding Source:** Department of Water and Sewer Utilities Capital Budget

**Contract Period:** Time of completion 603 days

**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:**

Original Resolution 7R12-a adopted on October 2016, awarded the contract in an amount not to exceed \$4,448,080.00 for a period of 450 calendar days from the Notice to Proceed.

Change Order #1 Resolution 7R12-b adopted on May 23, 2018 increased the contract period by 153 calendar days for a completion period of 603 calendar days with no change in contract amount.

Change Order #2 will increase the original contract amount by \$114,648.16 for a total contract amount not to exceed \$4,562,728.16.

**WHEREAS**, Resolution 7R12-a dated October 19, 2016 authorized the award of Contract 03/05/06-WS2006, Netting Facility at Delavan Avenue, Fourth Avenue and Roanoke Avenue, to Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036, in the amount of \$4,448,080.00, in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, Resolution 7R12-b dated May 23, 2018 authorized the execution of Change Order No. 01 to Contract 03/05/06-WS2006 with, Underground Utilities Corporation, increasing contract completion time by 153 days, in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, during the course of the project, various unforeseen conditions including removal, testing and disposal of hazardous soils where preliminary samples did not show hazardous conditions were encountered, in addition to other needed minor modifications requested by the City of Newark, which necessitated work change directives increasing the total value of the contract, due to additional work, in the net amount of \$114,648.16, to complete the project; and

**WHEREAS**, Contract 03/05/06-WS2006, therefore, is to be further amended with a net amount of \$114,648.16 to be added to the total contract amount and close out the contract; and

**WHEREAS**, the Department of Water and Sewer Utilities wishes to execute Contract Closeout Change Order No.02 to Contract 03/05/06-WS2006 Netting Facility at Delavan Avenue, Fourth Avenue and Roanoke Avenue, with Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036, increasing the contract by \$114,648.16, bringing the total contract amount to \$4,562,728.16; 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 Acting Director of the Department of Water and Sewer Utilities, to execute Change Order No. 02 to Contract 03/05/06-WS2006 Netting Facility at Delavan Avenue, Fourth Avenue and Roanoke Avenue, with Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036, increasing the contract amount by \$114,648.16, bringing the total contract amount to \$4,562,728.16.
2. Attached hereto is a Certification of Funds from the Chief Financial Officer, which states that funds in the amount of \$114,648.16 are available in the Water and Sewer Utilities Capital Budget under Business Unit NW044, Department ID S07, Division/Project 07S0B, Account 94710, Budget Ref. B2007 and which shall be filed along with the original Resolution in the Office of the City Clerk.
3. The Acting Director of the Department of Water and Sewer Utilities shall file a fully executed copy of the Change Order No. 02 in the Office of the City Clerk.
4. The Acting Director of the Department of Water and Sewer Utilities shall file a fully executed copy of the Change Order No. 02 with the New Jersey Department of Environmental Protection (NJDEP).
5. This contract was solicited and awarded pursuant to the fair and open procedures in accordance with the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5), and pursuant to the provisions of the Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a)(i), 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 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 Acting Director of the Department of Water and Sewer Utilities, to execute Change Order No. 02 to Contract 03/05/06-WS2006 Netting Facility at Delavan Avenue, Fourth Avenue and Roanoke Avenue, with Underground Utilities Corporation, 711 Commerce Road, Linden, New Jersey 07036, increasing the contract by \$114,648.16, bringing the total contract amount to \$4,562,728.16.