



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 20-0890, Version: 1

**Dept/ Agency:** Engineering

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

**Type of Service:** Change Order #1/Amend Resolution

**Purpose:** To amend Contract 03-2015PS, Construction Management and Inspection Services for Broad Street at South Street, Tichenor Street and Lincoln Park Local Safety Program.

**Entity Name:** KS Engineers, P.C.

**Entity Address:** 494 Broad Street, 4<sup>th</sup> Floor, Newark, New Jersey 07102

**Contract Amount:** Not to exceed \$157,736.00

**Funding Source:** FHWA/NJDOT

**Contract Period:** Extended by 283 calendar days, for a new substantial completion date of July 31, 2020, and a final completion date of May 10, 2021

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

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

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

**Additional Information:**

Original Resolution 7R4-a adopted on October 15, 2015 authorized Contract 03-2015PS for a contract amount not to exceed \$157,736.00 for a period of 365 consecutive calendar days from the issuance of a formal Notice to Proceed - dated July 31, 2017.

Change Order #1/Amendment will extend the period by 283 calendar days, for a new substantial completion date of July 31, 2020, and final completion date of May 10, 2021, pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-15(9).

**WHEREAS**, on October 21, 2015, the Municipal Council adopted Resolution 7R4-a, authorized the Mayor and/or his designee, the Director of the Department of Engineering, to enter into and execute Contract 03-2015PS with KS Engineers, P.C., 494 Broad Street, 4<sup>th</sup> Floor, Newark, New Jersey 07102 ("KSE"), to provide Construction Management and Inspection Services at Broad Street and South Street; Broad Street and Tichenor Street/Lincoln Park Local Safety Program (the "Broad Street Project"), for a contract period of 365 consecutive calendar days from the date of the formal Notice to Proceed, for the total bid amount of One Hundred Fifty-Seven Thousand, Seven Hundred Thirty-Six Dollars and Zero Cents (\$157,736.00); and

**WHEREAS**, on July 31, 2019, the Department of Engineering issued a Notice to Proceed for Contract 03-2015PS to KSE, specifying the contract term to fully complete the Broad Street Project within 365 consecutive calendar days from the date of the formal Notice to Proceed; and

**WHEREAS**, pursuant to a letter from KSE to the Department of Engineering, Division of Traffic and Signals, dated July 23, 2020, KSE informed the City that due to the following changed site conditions to the construction contract, the contractor Berto Construction was unable to start and complete the temperature sensitive work of paving and striping and Berto Construction was forced to

stop working during the winter from December 2019 through March 2020, and due to the following unforeseen circumstances, KSE required an extension of time of 283 calendar days to complete and close out the Contract 03-2015PS by May 10, 2021:

1. Delay by PSE&G in providing power for the new traffic signals and new cabinets; and
2. Delay by PSE&G in power cut off to existing street lights and existing controller; and
3. An existing 20-inch high pressure water line interfering with the installation of the new traffic signals along the east side of the Project and requiring a longer arm (35 foot not in the contract) that had to be ordered; and
4. Discovery of underground storage tanks at South Street that must be as it was located in the area where the signal foundation needs to be installed; and
5. Per New Jersey Department of Transportation (NJDOT) Change Order #1, the original final completion date of May 31, 2019 for the construction project was revised to October 25, 2019; and
6. New decorative roadway lighting by PSE&G was completed in March 2020; and

**WHEREAS**, the Broad Street Project was completed and inspected by the NJDOT on June 25, 2020 and KSE will continue to inspect, review and revise all work related recommendations, change orders and all paperwork for closing out the Project with the NJDOT; and

**WHEREAS**, on July 23, 2020, the Director of the Department of Engineering issued a memo to the City's Business Administrator requesting an extension of 283 calendar days, providing a new substantial completion date of July 31, 2020, and a final completion date of May 10, 2021; and

**WHEREAS**, the Director of the Department of Engineering desires to amend the period of Contract 03-2015PS to allow for an extension of 283 calendar days, providing a new substantial completion date for the Broad Street Project of July 31, 2020, and a final completion date of May 10, 2021.

**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 enter into and execute an amendment to Contract 03-2015PS with KS Engineers, P.C., 494 Broad Street, 4<sup>th</sup> Floor, Newark, New Jersey 07102 to provide Construction Management and Inspection Services at Broad Street and South Street; Broad Street and Tichenor Street/Lincoln Park Local Safety Program, to amend the contract period for an extension of 283 calendar days, providing a new substantial completion date of July 31, 2020, and a final completion date of May 10, 2021, pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-15(9).

2. All other terms and conditions of Contract 03-2015PS, 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.

3. This contract is ratified from July 31, 2020 until the date of adoption of this authorizing resolution by the Municipal Council.

4. No further amendments or modifications to this amended contract shall be permitted without prior Municipal Council approval.

5. A fully executed copy of Change Order #1/Amendment to Contract 03-2015PS 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.

6. No additional municipal funds are necessary for this Change Order #1/Amendment to Contract 03-2015PS with KS Engineers, P.C., 494 Broad Street, 4<sup>th</sup> Floor, Newark, New Jersey 07102.

### **STATEMENT**

This resolution ratifies, amends and authorizes the Mayor and/or his designee, the Director of the Department of Engineering, on behalf of the City of Newark to enter into and execute an amendment to Contract 03-2015PS with KS Engineers, P.C., 494 Broad Street, 4<sup>th</sup> Floor, Newark, New Jersey 07102 to provide Construction Management and Inspection Services at Broad Street and South Street; Broad Street and Tichenor Street/Lincoln Park Local Safety Program, to amend the contract period to allow for an extension of 283 calendar days, providing a new substantial completion date of July 31, 2020, and a final completion date of May 10, 2021, pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-15(9).