



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 12-1625, Version: 1

Dept/ Agency: Engineering

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

Type of Service: Change Order/Amend Resolution

Purpose: Renovations to the Vincent Lombardi Memorial Center

Entity Name: Falak Construction,, Inc.

Entity Address: 836 Ridgewood Avenue, North Brunswick, New Jersey 08902

Contract Amount: \$963,825.48

Funding Source: City of Newark/Engineering Budget

Contract Period: January 3, 2012 to December 31, 2012

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

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

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

Additional Information:

Amending Contract #04-2011 by increasing the contract amount by \$37,084.48

WHEREAS, Resolution 7R4-e 090811 adopted September 8, 2011, authorized the Director of the Department of Engineering to execute Contract #04-2011 Renovations of the Vincent Lombardi Memorial Center, 201 Bloomfield Avenue, Newark, New Jersey 07104, with Falak Construction, Inc., 836 Ridgewood Avenue, North Brunswick, New Jersey 08902, for a period of seven (7) months from the date after issuance of a Notice to Proceed by the Director of the Department of Engineering, for the total amount not to exceed \$926,741.00; and

WHEREAS, a 'Notice to Proceed' was issued dated January 3, 2012; accordingly, the contract term commenced on January 3, 2012 with a termination date of July 2, 2012; and

WHEREAS, additional time is needed to complete the construction work due to unforeseen concealed pre-existing conditions as well as delays caused by weather conditions; and the unforeseen, pre-existing conditions require the expenditure of an additional \$37,084.48; the net effect of which is to increase the contract amount from \$926,741.00 to \$963,825.48, as described in the attached Change Orders 1 through 7 ("Attachment A"); and

WHEREAS, these Change Orders are certified by the Director of the Department of Engineering to be in compliance with the procedures outlined in applicable State Regulations, more specifically, N.J.A.C. 5:30-11.3, because, among other reasons, the changes do not substantially change the quality or character of the items or work in the original contract; the original contract permits change orders; the proposed increase is less than a twenty (20%) increase over the original contract amount; and there were conditions and problems discovered which were unforeseen at the time the specifications were written; and, a separate procurement process would disrupt the basic work; and

WHEREAS, N.J.S.A. 40A:11-15 (9) permits the term of a public works contract, including professional services, to be for the length of time authorized and necessary for the completion of the actual construction; and

WHEREAS, the Director of the Department of Engineering requests authority to execute Change Orders 1 through 7/Amendment #1 which (a) amends the contract termination date from July 2, 2010 to December 31, 2012, for the purpose of completing construction and (b) increases the contract amount from an amount not to exceed \$926,741.00 to \$963,825.48.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Mayor and/or his designee and the Director of Engineering and/or his designee, are hereby authorized on behalf of the City of Newark to execute Change Orders 1 through 7/Amendment #1 to Contract #04-2011, Renovations of the Vincent Lombardi Memorial Center, 201 Bloomfield Avenue, Newark, New Jersey 07104, to amend the contract as follows: (a) amending the term of the contract from January 3, 2012 to July 2, 2012 to July 2, 2012 to December 31, 2012, for the purpose of completing construction, and (b) amending the contract amount from an amount not to exceed \$926,741.00 to \$963,825.48. The contract amendment is hereby ratified from July 2, 2012 to the date of the adoption of this resolution.
2. All other terms and conditions of Contract #04-2011, Renovations of the Vincent Lombardi Memorial Center, 201 Bloomfield Avenue, Newark, New Jersey 07104, shall apply and remain in full force and effect.
3. Attached hereto is the certification of funds with available balances issued by the Chief Financial Officer, City of Newark, which states that there are available sufficient legally appropriated funds for the purpose set forth hereinabove, in the amount of \$37,084.48. Funds for this project shall be from Fund: 045, Department 007, Project 07CW0, Account 94710, Budget Year 2007.
4. No additional modifications or amendments to this contract will be allowed without prior Municipal Council approval.
5. A fully executed copy of Change Order/Amendment #1 to Contract #04-2011, Renovations of the Vincent Lombardi Memorial Center, 201 Bloomfield Avenue, Newark, New Jersey 07104, shall be filed in the Office of the City Clerk by the Director of the Department of Engineering.

STATEMENT

This resolution authorizes the Mayor and/or his designee and the Director of Engineering and/or his designee, are hereby authorized on behalf of the City of Newark to execute Change Order/Amendment #1 to Contract #04-2011, Renovations of the Vincent Lombardi Memorial Center, 201 Bloomfield Avenue, Newark, New Jersey 07104, to (a) amending the term of the contract from January 3, 2012 to July 2, 2012 to July 2, 2012 to December 31, 2012, for the purpose of completing construction, and (b) amending the contract amount from an amount not to exceed \$926,741.00 to \$963,825.48. This contract amendment is ratified from July 2, 2012 to the date of adoption of this resolution.