



Legislation Details (With Text)

File #: 12-1203 **Version:** 2 **Name:** Change Order #2 and #3 - Rehabilitation of Water Distribution Mains (#01-WS2009) - J. Fletcher Creamer & Son

Type: Resolution **Status:** Filed

File created: 5/22/2012 **In control:** Water Sewer Utility

On agenda: 8/1/2012 **Final action:** 9/19/2012

Title: Dept/ Agency: Water & Sewer Utilities
Action: () Ratifying (X) Authorizing (X) Amending
Type of Service: Change Order/Amend Resolution # 7R12-A(S)090909, #7R12-C092111
Purpose: Execute close out Change Order #2 and #3 to Contract 01-WS2009 Rehabilitation of Water Distribution Mains by increasing the contract by \$460,169.61
Entity Name: J. Fletcher Creamer & Son Inc.
Entity Address: 101 E. Broadway, Hackensack, New Jersey 07601
Contract Amount: \$7,263,560.30
Amended Final Contract Amount: \$7,981,118.33
Funding Source: Department of Water & Sewer Utilities/ARRA Program
Contract Period: Three Hundred Seventy (370) days after issuance of a Notice to Proceed, extended by Three Hundred Two (302) days
Contract Basis: (X) Bid () State Vendor () Prof. Ser. () EUS
() Fair & Open () No Reportable Contributions () RFP () RFQ
() Private Sale () Grant () Sub-recipient () n/a
Additional Information:
Deferred 7R12-a 080112
Deferred 7R12-a 090612

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
9/19/2012	2	Municipal Council	Adopt	Pass
9/6/2012	1	Municipal Council	Defer	Pass
8/1/2012	2	Municipal Council	Defer	Pass

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WHEREAS, resolution 7R12-A(S)090909 authorized the award of Contract 01-WS2009 Rehabilitation of Water Distribution Mains (City-Wide), to J. Fletcher Creamer and Son, Inc., 101 E. Broadway, Hackensack, New Jersey 07601, in the amount of \$7,263,560.30, in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq., funded by a low interest loan from the New Jersey Department of Environmental Protection (NJDEP) and the New Jersey Environmental Infrastructure Trust (NJEIT) under the New Jersey Environmental Infrastructure Financing Program FFY 2009/SFY 2010, and the Federal American Recovery and Reinvestment Act of 2009 (ARRA); and

WHEREAS, resolution 7R12-C092111 authorized the execution of Change Order #1 with J. Fletcher Creamer and Son Inc., increasing the contract amount by \$257,388.42 and extending the contract completion time by Three Hundred Two (302) calendar days; and

WHEREAS, pursuant to a request by the New Jersey Department of Environmental Protection to swiftly incorporate the Davis Bacon wage rates as per the ARRA program requirement, the Acting Director of the Department of Water and Sewer Utilities issued a Change Order #2 to Contract 01-WS2009 to incorporate the said wage rates with no change in contract amount or contract time and with no impact to the overall contract; and

WHEREAS, during the course of the project, the Department of Water and Sewer Utilities determined that several unforeseen and out of scope work items in the amount of \$128,878.26 had to be performed, and with an increase in quantities of various contract work items, which were required to be performed to complete the project as per the approved plans and specifications in the additional net amount of \$331,291.35, with a combined total net increase to the contract in the amount of \$460,169.61; and

WHEREAS, Contract 01-WS2009 is to be closed out with a net increase in contract amount of \$460,169.61 with no change in contract time; and

WHEREAS, the Department of Water & Sewer Utilities wishes to execute Final Quantities Change Order #3 to Contract 09-WS2009 Rehabilitation of Water Distribution Mains, with J. Fletcher Creamer and Son, Inc., 101 E. Broadway, Hackensack, New Jersey 07601, increasing the contract by a net amount of \$460,169.61, bringing the final contract amount to \$7,981,118.33, subject to the approval of the State of New Jersey.

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

1. The Municipal Council hereby ratifies the action by the Acting Director of Department of Water & Sewer Utilities to execute Change Order #2 incorporating the Davis Bacon wage rates as required by the ARRA program, and further authorizes the Mayor and/or his designee, the Acting Director of the Department of Water and Sewer Utilities, to execute Final Quantities Change Order #3 to Contract 01-WS2009 Rehabilitation of Water Distribution Mains with J. Fletcher Creamer and Son Inc., 101 E. Broadway, Hackensack, New Jersey 07601, increasing

the contract by \$460,169.61, bringing the final contract amount to \$7,981,118.33, subject to the approval of the State of New Jersey.

2. Funds in the amount of \$460,169.61 for this Final Quantities Change Order #3 are provided as follows:

Business Unit: NW041, Department: 09W, Project: 09A91, Account: 94710.

3. A fully executed copy of the Final Quantities Change Order #3 shall be filed in the Office of the City Clerk by the Acting Director of the Department of Water & Sewer Utilities.
4. A fully executed copy of the Final Quantities Change Order #3 shall be filed with the New Jersey Department of Environmental Protection (NJDEP) by the Acting Director of the Department of Water & Sewer Utilities.
5. 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 ratifies the action by the Acting Director of Water & Sewer Utilities to execute Change Order #2 to incorporate the Davis Bacon wage rates as required under the ARRA program, and further authorizes the Mayor and/or his designee, the Acting Director of the Department of Water and Sewer Utilities, to execute Final Quantities Change Order #3 to Contract 01-WS2009 Rehabilitation of Water Distribution Mains, with J. Fletcher Creamer and Son Inc., 101 E. Broadway, Hackensack, New Jersey 07601, increasing the contract by \$460,169.61, bringing the final contract amount to \$7,981,118.33, subject to the approval of the State of New Jersey.