



Legislation Details (With Text)

File #: 19-1726 **Version:** 1 **Name:** Amending Cost Reimbursement Agreement for McClellan Street Underpass

Type: Resolution **Status:** Adopted

File created: 10/30/2019 **In control:** Engineering

On agenda: 1/28/2020 **Final action:** 1/28/2020

Title: Dept/ Agency: Engineering
Action: (X) Ratifying (X) Authorizing (X) Amending
Type of Service: Grant Agreement
Purpose: Accept Grant Funding and Agreement Modification
Entity Name: New Jersey Department of Transportation
Entity Address: New Jersey Department of Transportation, Bureau of Local Government Services, 153 Halsey Street - 5th Floor, Newark, New Jersey 07102
Grant Amount: Additional Grant Funding in the amount of \$186,670.00, which results in an amended acceptance of a grant award in the amount of \$1,099,003.00
Total Project Cost: \$1,285,673.00
City Contribution: \$0
Other Funding Source/Amount: N/A
Grant Period: September 19, 2011 through September 19, 2021
Contract Basis: () Bid () State Vendor () Prof. Ser. () EUS
() Fair & Open () No Reportable Contributions () RFP () RFQ
() Private Sale (X) Grant () Sub-recipient () n/a
List of Property: (N/A)
(Address/Block/Lot/Ward)
N/A
Additional Information:
Grant award increased by \$186,670.00

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
1/28/2020	1	Municipal Council	Adopt	Pass

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WHEREAS, on November 22, 2011, the Municipal Council adopted Resolution 7R4-b authorizing the City to apply and accept grant funds from the New Jersey Department of Transportation (NJDOT), in the amount of \$1,099,003.00, to cover the additional scope of work for the design of the McClellan Street Underpass (Final Design), between Avenue I and Rutherford Street; and

WHEREAS, on March 21, 2012, The Municipal Council adopted Resolution 7R4-D authorizing the Mayor and/or his designee, the Director of the Department of Engineering, to execute Cost Reimbursement Agreement No. 2012-DT-BLA-201 for the McClellan Street Underpass (Final Design), City of Newark, Essex County, STP-7608(104)PE with the NJDOT, in the amount of \$1,099,003.00, to cover the additional scope of work for the design of McClellan Street Underpass (Final Design), between Avenue I and Rutherford Street, for a term of September 19, 2011 through September 19, 2016; and

WHEREAS, during the Preliminary Engineering Phase, the Department of Engineering concluded that the scope of work must be expanded to address unanticipated conditions. The extra scope of work relates to three categories: Stormwater Management; Railroad Permits and Right-of-Way Acquisitions, all of which are necessary to complete the project and the final design; and

WHEREAS, as a result of the foregoing, on March 8, 2018, the City of Newark submitted a proposal to the NJDOT requesting additional funding in the amount of \$186,669.35, to cover the additional scope of work for the design of the McClellan Street Underpass (Final Design), between Avenue I and Rutherford Street; and

WHEREAS, the NJDOT sent a letter to the City of Newark, dated January 17, 2020, advising the City of Newark that the Federal Highway Administration authorized an additional \$186,670.00 in funding to cover the additional scope of work for the design of McClellan Street Underpass (Final Design), with no City funds required, and requested that the City execute a Federal Aid Agreement Modification #1, for an amended term of from September 19, 2011 until September 19, 2021; and

WHEREAS, as part of the Federal Aid Agreement Modification #1 to the Cost Reimbursement Agreement No. 2012-DT-BLA-201, all allowable costs incurred for the performance of work in the attached Scope of Work in this Modified Cost Reimbursement Agreement shall be eligible for reimbursement from the effective date of September 19, 2011; and

WHEREAS, the City of Newark wishes to enter into an Agreement Modification #1 to the Cost Reimbursement Agreement No. 2012-DT-BLA-201, termed Federal Aid Agreement, with New Jersey Department of Transportation, Division of Local Aid and Economic Development, for the Newark City McClellan Street Underpass (Final Design).

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF

NEWARK, NEW JERSEY, THAT:

1. The City's application for additional funding is hereby approved and ratified from the date of submission of the application.
2. The Mayor and/or his designee, the Director of the Department of Engineering, are hereby authorized to accept from the New Jersey Department of Transportation additional grant funding in the amount of \$186,670.00, for the design of the McClellan Street Underpass (Final Design), between Avenue I and Rutherford Street, with no City funds required, which results in an amended acceptance of a grant award in the amount of \$1,285,673.00 (a copy of the authorization letter is attached hereto and made a part hereof).
3. 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 Agreement Modification #1, in the form attached hereto, to the Cost Reimbursement Agreement No. 2012-DT-BLA-201, for additional grant funding in the amount of \$186,670.00, with no City funds required, which results in an amended acceptance of a grant award in the amount of \$1,285,673.00, for the Newark City, McClellan Street Underpass(Final Design), City of Newark, Essex County, STP-7608(104)PE.
4. The term of the Agreement Modification #1 to the Cost Reimbursement Agreement No. 2012-DT-BLA-201 is for the period of September 19, 2011 until September 19, 2021.
5. The Agreement Modification #1 is hereby ratified back from September 19, 2011 until the date of adoption of this authorizing resolution.
6. The Director of Department of Engineering shall file a fully executed copy of the grant agreement in the Office of the City Clerk.

STATEMENT

This resolution ratifies and authorizes the Mayor and/or his designee, the Director of the Department of Engineering, to apply and accept additional grant funds in the amount of \$186,670.00, bringing the total grant award to \$1,285,673.00, from the New Jersey Department of Transportation, for the design of the McClellan Street Underpass (Final Design). No municipal funds are required for receipt or acceptance of this grant award.