



Legislation Details (With Text)

File #: 20-0702 **Version:** 1 **Name:** Change Order #1 Phase-4(A) Lead Service Line Replacement Contract 20-WS2020 - Montana Construction Corp.

Type: Resolution **Status:** Adopted

File created: 6/15/2020 **In control:** Water Sewer Utility

On agenda: 6/24/2020 **Final action:** 6/24/2020

Title: Dept/ Agency: Water and Sewer Utilities
Action: ☐ Ratifying ☒ Authorizing ☒ Amending
Type of Service: Change Order #1/Amend Resolution 7R12-a(S) adopted on December 10, 2019
Purpose: To execute Change Order #1 for Phase-4(A) Lead Service Line Replacement Contract 20-WS2020.
Entity Name: Montana Construction, Inc.
Entity Address: 80 Contant Avenue, Lodi, New Jersey 07644
Contract Amount: Not to exceed \$40,000,000.00
Funding Source: Water and Sewer Utilities Capital Budget/NW041-19W-19W00-94710-B2019
Contract Period: 280 days from Notice to Proceed to Final Completion, extended by 45 days
Contract Basis: ☐ Bid ☐ State Vendor ☐ Prof. Ser. ☐ EUS
☐ Fair & Open ☐ No Reportable Contributions ☐ RFP ☐ RFQ
☐ Private Sale ☐ Grant ☐ Sub-recipient ☒ N/A Emergency Declaration
Additional Information:
Original Resolution 7R12-a(S) adopted on December 10, 2019 awarded a contract in an amount not to exceed \$39,067,530.00.
Change Order #1 will increase the original contract amount by \$932,470.00 for a total contract amount not to exceed \$40,000,000.00 and extending completion time by forty-five (45) calendar days.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
6/24/2020	1	Municipal Council	Adopt	Pass

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WHEREAS, Resolution 7R12-a(S) adopted on December 10, 2019 authorized the extension of emergency contract designated as E2019-11 for Contract 20-WS2020 Phase-4(A) Lead Service Line Replacement, with Montana Construction Inc., 80 Contant Avenue, Lodi, New Jersey 07644, in the amount of \$39,067,530.00, in accordance with Ordinance 6PSF-e adopted on April 6, 2011, Article 2:5-13.2(E)(1) and N.J.S.A. 40A:11-6.; and

WHEREAS, during the course of the Project, additional Police Traffic Control costs were incurred under Contract 20-WS2020 in the net amount of \$932,470.00 in order to complete the Project; and

WHEREAS, Contract 20-WS2020, therefore, is to be amended with a net amount of \$932,470.00 to be added to the total contract amount; and

WHEREAS, the Department of Water and Sewer Utilities wishes to execute Change Order #1 to Contract 20-WS2020 Phase-4(A) Lead Service Line Replacement, with Montana Construction Inc., 80 Contant Avenue, Lodi, New Jersey 07644, increasing the contract by \$932,470.00, bringing the total contract amount to \$40,000,000.00 and extending the contract completion time by forty-five (45) calendar days; 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 Director of the Department of Water and Sewer Utilities, to execute Change Order #1 to Contract 20-WS2020 Phase-4(A) Lead Service Line Replacement, with Montana Construction Inc., 80 Contant Avenue, Lodi, New Jersey 07644, increasing the contract by \$932,470.00, bringing the total contract amount to \$40,000,000.00 and extending the contract completion time by forty-five (45) calendar days.
2. Attached hereto is a Certification of Funds from the Chief Financial Officer, which states that funds in the amount of \$932,470.00, are available in the Department of Water and Sewer Utilities Capital Budget, under: Business Unit NW041, Department ID 19W, Project 19W00, Account 94710, Budget Ref. B2019 and which shall be filed along with the original resolution in the Office of the City Clerk.
3. The Director of the Department of Water and Sewer Utilities shall file a fully executed copy of

the Change Order #1 in the Office of the City Clerk.

4. The Director of the Department of Water and Sewer Utilities shall file a fully executed copy of the Change Order #1 with the New Jersey Department of Environmental Protection (NJDEP).

5. This contract was solicited and awarded pursuant to the Ordinance 6PSF-e adopted on April 6, 2011, Article 2:5-13.2(E)(1) and N.J.S.A. 40A:11-6., 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 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 authorizes the Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities, to execute Change Order #1 to Contract 20-WS2020 Phase-4(A) Lead Service Line Replacement, with Montana Construction Inc., 80 Contant Avenue, Lodi, New Jersey 07644, increasing the contract by \$932,470.00, bringing the total contract amount to \$40,000,000.00 and extending the contract completion time by forty-five (45) calendar days.