



Legislation Details (With Text)

**File #:** 22-1034      **Version:** 1      **Name:** Resolution: Close Out #2 Montana Contract 20-WS2020 for Phase-4(A) Lead Service Line Replacement Contract

**Type:** Resolution      **Status:** Adopted

**File created:** 7/20/2022      **In control:** Water Sewer Utility

**On agenda:** 9/8/2022      **Final action:** 9/8/2022

**Title:** Dept/ Agency: Water and Sewer Utilities  
 Action:  Ratifying    Authorizing    Amending  
 Type of Service: Final Quantities Change Order #2/Amend Resolution 7R12-a(S) adopted on December 10, 2019 and 7R12-f adopted on June 24, 2020  
 Purpose: To execute Contract Close-Out Change Order #2 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 \$39,633,089.00  
 Funding Source: Capital Budget/Department of Water and Sewer Utilities  
 Contract Period: 800 calendar days from the date of the issuance of a written Notice to Proceed to final completion  
 Contract Basis:  Bid    State Vendor    Prof. Ser.    EUS  
 Fair & Open    No Reportable Contributions    RFP    RFQ  
 Private Sale    Grant    Sub-recipient    n/a  
 Additional Information:  
 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, for a contract amount not to exceed \$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  
 Resolution 7R12-f adopted on June 24, 2020 authorized Change Order #1, which increased the original contract amount by \$932,740.00 for a new total contract amount not to exceed \$40,000,000.00, also increased the contract period by 45 calendar days for a new completion period of 325 calendar days from the date of the issuance of a written Notice to Proceed.  
 Contract Close out Change Order #2 will reduce the contract amount by \$366,911.00 for a new total contract amount not to exceed \$39,633,089.00 and increase the contract period by 475 calendar days for a new completion period of 800 calendar days from the date of the issuance of a written Notice to Proceed to final completion.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
9/8/2022	1	Municipal Council	Adopted	Pass

**Dept/ Agency:** Water and Sewer Utilities  
**Action:**  Ratifying    Authorizing    Amending  
**Type of Service:** Final Quantities Change Order #2/Amend Resolution 7R12-a(S) adopted on December 10, 2019 and 7R12-f adopted on June 24, 2020  
**Purpose:** To execute Contract Close-Out Change Order #2 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 \$39,633,089.00

**Funding Source:** Capital Budget/Department of Water and Sewer Utilities

**Contract Period:** 800 calendar days from the date of the issuance of a written Notice to Proceed to final completion

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

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

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

**Additional Information:**

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, for a contract amount not to exceed \$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

Resolution 7R12-f adopted on June 24, 2020 authorized Change Order #1, which increased the original contract amount by \$932,740.00 for a new total contract amount not to exceed \$40,000,000.00, also increased the contract period by 45 calendar days for a new completion period of 325 calendar days from the date of the issuance of a written Notice to Proceed.

Contract Close out Change Order #2 will reduce the contract amount by \$366,911.00 for a new total contract amount not to exceed \$39,633,089.00 and increase the contract period by 475 calendar days for a new completion period of 800 calendar days from the date of the issuance of a written Notice to Proceed to final completion.

**WHEREAS**, Resolution 7R12-a(s) adopted on December 10, 2019, authorized the award of Contract 20-WS2020, Phase-4(A) Lead Service Line Replacement, to Montana Construction, Inc., 80 Contant Avenue, Lodi, New Jersey 07644, in the amount of \$39,067,530.00 for a period of (280) calendar days to final completion from the date of the written Notice to Proceed, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, Resolution 7R12-f adopted on June 24, 2020, authorized Change Order #1 to Contract 20-WS2020 with Montana Construction, Inc., for an increased amount of \$932,740.00 for a new total contract amount not to exceed \$40,000,000.00 and increased the contract period by 45 calendar days for a new contract completion period of 325 calendar days from the date of the issuance of a written Notice to Proceed; and

**WHEREAS**, the Contract 20-WS2020, was completed with a net reduction of \$366,911.00 due to final quantity adjustments and an additional (475) calendar days to final completion from the date of the issuance of a written Notice to Proceed; and

**WHEREAS**, the Department of Water and Sewer Utilities, wishes to enter into and execute a Contract Closeout Change Order #2 to Contract 20-WS2020, Phase-4(A) Lead Service Line Replacement with Montana Construction, Inc. , 80 Contant Avenue, Lodi, New Jersey 07644, with a reduction in the contract amount by \$366,911.00 for a total contract amount of \$39,633,089.00, and extending the contract completion time by (475) calendar days to final completion from the date of the issuance of a written Notice to Proceed.

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

**NEWARK, NEW JERSEY, THAT:**

1. The Mayor of the City of Newark and/or his designee, the Director of the Department of Water and Sewer Utilities, are authorized to enter into and execute Contract Closeout Change Order #2 to Contract 20-WS2020, Phase-4(A) Lead Service Line Replacement with Montana Construction, Inc., 80 Contant Avenue, Lodi, New Jersey 07644, reducing the contract amount by \$366,911.00 bringing the final contract amount to \$39,633,089.00, and extending the contract completion time by (475) calendar days for a new completion period of (800) calendar days to final completion from the date of the issuance of a written Notice to Proceed.
2. Funds for this contract previously certified and encumbered in support of Resolution 7R12-a(S) adopted on December 10, 2019 remain available from the Water Capital Account NW041-19W-19W00-94710-B2019, until the completion of the project and termination of the contract.
3. This Change Order is ratified from the date of the Contract Modification Proposal and Acceptance (Closeout Change Order #2) to the date of this authorizing Resolution.
4. A fully executed copy of the Closeout Change Order #2 shall be filed in the Office of the City Clerk by the Director of the Department of Water and Sewer Utilities.
5. A fully executed copy of the Closeout Change Order #2 shall be filed with the New Jersey Department of Environmental Protection (NJDEP) by the Director of the Department of Water and Sewer Utilities.
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 ratifies, amends and authorizes the Mayor of the City of Newark and/or his designee, the Director of the Department of Water and Sewer Utilities, to enter into and execute Contract Closeout Change Order #2 to Contract 20-WS2020, Phase-4(A) Lead Service Line Replacement with Montana Construction, Inc. , 80 Contant Avenue, Lodi, New Jersey 07644, reducing the contract amount by \$366,911.00 for a total contract amount of \$39,633,089.00, and extending the contract completion time by (475) calendar days for a new completion period of (800) calendar days from the date of the written Notice to Proceed to the final completion.