



## Legislation Details (With Text)

**File #:** 23-0116      **Version:** 1      **Name:** Resolution: Closeout Change Order #2 - Contract# 15-WS2017 - Montana Construction Corporation, Inc.,

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

**File created:** 1/18/2023      **In control:** Water Sewer Utility

**On agenda:** 2/15/2023      **Final action:** 2/15/2023

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: (X) Ratifying (X) Authorizing (X) Amending  
Type of Service: Final Quantities Change Order #1/Amend Resolution 7R12-b(AS) adopted on October 6, 2021  
Purpose: To execute Contract Close-out Change Order #1 Phase-2 Sewer Cleaning and Rehabilitation-Contract 15-WS2017.  
Entity Name: Montana Construction Corporation, Inc.  
Entity Address: 80 Contant Avenue, Lodi, New Jersey 07644  
Contract Amount: Not to exceed \$2,625,796.79  
Funding Source: 2011 Budget/Department of Water and Sewer Utilities/Business Unit: NW044, Dept. 11G, Div./Proj. 11SAO, Activity A, Account #94710, Budget Ref. B2011  
Contract Period: 320 calendar days from the date of the 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-b(AS) adopted on October 6, 2021 awarded a contract in an amount not to exceed \$2,669,590.00 for a period of 320 calendar days from the date of the Notice to Proceed.

Contract Close-out Change Order #1 will reduce the contract amount by \$43,793.21 for a new total contract amount not to exceed \$2,625,796.79 and no extension on final completion of 320 calendar days from the date of the written Notice to Proceed to final completion.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
2/15/2023	1	Municipal Council	Adopt	Pass

**Dept/ Agency:** Water and Sewer Utilities

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

**Type of Service:** Final Quantities Change Order #1/Amend Resolution 7R12-b(AS) adopted on October 6, 2021

**Purpose:** To execute Contract Close-out Change Order #1 Phase-2 Sewer Cleaning and Rehabilitation-Contract 15-WS2017.

**Entity Name:** Montana Construction Corporation, Inc.

**Entity Address:** 80 Contant Avenue, Lodi, New Jersey 07644

**Contract Amount:** Not to exceed \$2,625,796.79

**Funding Source:** 2011 Budget/Department of Water and Sewer Utilities/Business Unit: NW044, Dept. 11G, Div./Proj. 11SAO, Activity A, Account #94710, Budget Ref. B2011

**Contract Period:** 320 calendar days from the date of the 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-b(AS) adopted on October 6, 2021 awarded a contract in an amount not to exceed \$2,669,590.00 for a period of 320 calendar days from the date of the Notice to Proceed.

Contract Close-out Change Order #1 will reduce the contract amount by \$43,793.21 for a new total contract amount not to exceed \$2,625,796.79 and no extension on final completion of 320 calendar days from the date of the written Notice to Proceed to final completion.

**WHEREAS**, Resolution 7R12-b(AS) adopted on October 6, 2021, authorized the award of Contract 15-WS2017, Phase-2 Sewer Cleaning and Rehabilitation, to Montana Construction Corporation, Inc., 80 Contant Avenue, Lodi, New Jersey 07644, in the amount of \$2,669,590.00 for a period of (320) 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**, the Contract 15-WS2017, was completed with a net reduction of \$43,793.21 due to final quantity adjustments and no additional calendar days to final completion from the date of the written Notice to Proceed; and

**WHEREAS**, the Department of Water and Sewer Utilities, wishes to enter into and execute a Contract Close-out Change Order #1 to Contract 15-WS2017, Phase-2 Sewer Cleaning and Rehabilitation with Montana Construction Corporation, Inc., 80 Contant Avenue, Lodi, New Jersey 07644, with a reduction in the contract amount by \$43,793.21 for a total contract amount not to exceed \$2,625,796.79 with no extension to the contract period.

**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, is authorized to enter into and execute Contract Close-out Change Order #1 to Contract 15-WS2017, Phase-2 Sewer Cleaning and Rehabilitation with Montana Construction Corporation, Inc., 80 Contant Avenue, Lodi, New Jersey 07644, reducing the contract amount by \$43,793.21, for a total contract amount not to exceed \$2,625,796.79 with no extension to the contract period of (320) calendar days to final completion from the date of the written Notice to Proceed.
2. Funds for this contract were previously certified and encumbered in support of 7R12-b(AS) adopted on October 6, 2021 remain available from the Water Capital Account NW044-11G-11SAO-94710-B2011, until completion of the project and close-out of the contract.
3. This Change Order is ratified from the date of the Contract Modification Proposal and Acceptance (Close-out Change Order #1) to the date of this authorizing Resolution.
4. A fully executed copy of the Close-out Change Order #1 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 Close-out Change Order #1 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 Acting 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 Close-out Change Order #1 to Contract 15-WS2017 Phase-2 Sewer Cleaning and Rehabilitation with Montana Construction Corporation, Inc., 80 Contant Avenue, Lodi, New Jersey 07644, reducing the contract amount by \$43,793.21 for a total contract amount not to exceed \$2,625,796.79 with no extension to the contract period of (320) calendar days to final completion from the date of the written Notice to Proceed.