



## Legislation Details (With Text)

**File #:** 23-0075      **Version:** 1      **Name:** Amendment for Delancy Street Drainage, Traffic and Roadway Improvements, Final Design-Professional Services Contract

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

**File created:** 1/11/2023      **In control:** Engineering

**On agenda:** 7/19/2023      **Final action:** 7/19/2023

**Title:** Dept/ Agency: Engineering  
Action: (X) Ratifying (X) Authorizing (X) Amending  
Type of Service: Professional Services Contract  
Purpose: Contract Modification for Delancy Street Drainage, Traffic and Roadway Improvements (Final Design) Project Contract No. 06-2011PS  
Entity Name: Michael Baker International, Inc.  
Entity Address: One Gateway Center, Suite 2330, Newark, New Jersey 07102  
Contract Amount: Increasing contract amount by \$345,490.61, with an amended not to exceed amount of \$2,337,818.61  
Funding Source: New Jersey Department of Transportation (NJDOT), NW 051 - G23 - 71280 - B2023  
Contract Period: One (1) year from the date of a Notice to Proceed  
Contract Basis: ( ) Bid ( ) State Vendor (x) Prof. Ser. ( ) EUS  
( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
Additional Information:  
This amendment modifies Resolution 7R3-a adopted on August 05, 2020, by increasing the Michael Baker International, Inc. contract amount by an additional \$345,490.61 and extending the contract term to one (1) year from the date of a Notice to Proceed, with a total project cost of \$2,337,818.61.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
7/19/2023	1	Municipal Council	Adopt	Pass

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**Additional Information:**

This amendment modifies Resolution 7R3-a adopted on August 05, 2020, by increasing the Michael Baker International, Inc. contract amount by an additional \$345,490.61 and extending the contract term to one (1) year from the date of a Notice to Proceed, with a total project cost of \$2,337,818.61.

**WHEREAS**, the City of Newark, Department of Engineering, has determined that Delancy Street, between Avenue I and Rutherford Street, is in need of major reconstruction; and

**WHEREAS**, on September 8, 2011, the Municipal Council adopted Resolution 7R4-c, authorizing the Director of the Department of Engineering to accept the proposal submitted by Michael Baker International, Inc., One Gateway Center, Suite 2330, Newark, New Jersey 07102, dated August 9, 2010 and revised August 23, 2010, and to execute Contract No. 06-2011PS, for the Delancy Street Roadway Improvements, Final Design Project, in the amount not to exceed \$1,192,837.00; and

**WHEREAS**, the original contract term was 365 days from the effective date of the issuance of the Notice to Proceed, on November 3, 2011 through November 2, 2012; and

**WHEREAS**, on January 16, 2013, the Municipal Council adopted Resolution 7R4-a, authorizing the Director of the Department of Engineering to issue and execute Change Order #1/ Contract Amendment to Contract No. 06-2011PS, for the Delancy Street Roadway Improvement, Final Design Project, for a one (1) year extension of the term, from November 3, 2012 through November 2, 2013; and

**WHEREAS**, on March 5, 2014, the Municipal Council adopted Resolution 7R4-a authorizing the Director of the Department of Engineering to issue and execute Change Order #2/ Contract Amendment to Contract No. 06-2011PS, for the Delancy Street Roadway Improvements, Final Design Project, for a one (1) year extension of the term of the contract, from November 2, 2013 through November 1, 2014; and

**WHEREAS**, on June 17, 2015, the Municipal Council adopted Resolution 7R4-f, authorizing the Director of the Department of Engineering to issue and execute Change Order #3/ Contract Amendment to Contract No. 06-2011PS, for the Delancy Street Roadway Improvements, Final Design Project, for a one (1) year extension of the contract term, from November 1, 2014 through November 1, 2015, and an increase of the contract amount by \$201,515.00, thereby bringing the total contract amount not to exceed \$1,394,352.00; and

**WHEREAS**, on January 20, 2016, the Municipal Council adopted Resolution 7R4-a, authorizing the Director of the Department of Engineering to issue and execute Change Order #4/ Contract Amendment to Contract No. 06- 2011PS, for the Delancy Street Roadway Improvements, Final Design Project, for a one (1) year extension of the contract term, from November 1, 2015 through November 1, 2016; and

**WHEREAS**, on August 5, 2020, the Municipal Council adopted Resolution 7R3-a authorizing the Director of the Department of Engineering to issue and execute an amendment to Contract No. 06-2011PS, for the Delancy Street Roadway Improvements Final Design Project, for a one (1) year extension of the contract term and an increase of the contract amount by \$590,822.19, for a total contract amount not to exceed \$1,985,174.19; and

**WHEREAS**, as a result of the unforeseen delays and additional scope of work, an extension of time and additional funds are required to complete the final design of Delancy Street Drainage, Traffic and Roadway Improvements. The following modifications are required to complete the scope of work:

1. The update to drainage, grading, roadside projection, utilities, curbs, sidewalks, revise ROW documents, and traffic control and staging to complete Roadway and Drainage design.
2. New environmental permits required by the New Jersey Department of Environmental Protection (NJDEP).
3. The lighting design completion under the New Jersey Turnpike Bridge.
4. The update of Hydrologic & Hydraulic analysis to show the impact to the water surface elevation due to the recent construction of the adjacent property; and

**WHEREAS**, on August 8, 2022, the City of Newark sent a letter (a copy of the letter is attached hereto and made part hereof ) to the New Jersey Department of Transportation (NJDOT) requesting additional funds for the modification of Delancy Street Roadway Improvement, Final Design Project Contract No. 06-2011PS; and

**WHEREAS**, on February 15, 2023, the New Jersey Department of Transportation (NJDOT) subsequently sent the City of Newark a letter (a copy of the authorization letter is attached hereto and made part hereof), authorizing additional funding and an extension of the Agreement term for Delancy Street Roadway Improvement, Final Design Project, with no City funds required; and

**WHEREAS**, the City of Newark desires to increase Contract No. 06-2011PS in the amount of Three Hundred Forty-Five Thousand Four Hundred Ninety Dollars and Sixty-One Cents (\$345,490.61), thereby bringing the total amount of this contract to Two Million Three Hundred Thirty-Seven Thousand Eight Hundred Eighteen Dollars and Sixty-One Cents (\$2,337,818.61); and

**WHEREAS**, the City of Newark also desires to extend Contract No. 06-2011PS for an additional year to complete Final Design, which extension is permitted by Local Public Contracts Law, N.J.S.A. 40A:11-15(9); and

**WHEREAS**, the award of this Change Order is in accordance with the procedures for the award of a Professional Service of Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a)(i), and the Non-Fair and Open procedures of the New Jersey Local Unit Pay-to-Play Law N.J.S.A. 19:44A-20.5.

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

1. The Mayor and/or his designee, the Director of the Department of Engineering are hereby authorized on behalf of the City of Newark to issue the Change Order to Contract No. 06-2011PS for Delancy Street Drainage, Traffic and Roadway Improvements, Final Design Project, with Michael Baker International, Inc., located at One Gateway Center, Suite 2330, Newark, New Jersey 07102, increasing the contract amount by Three Hundred Forty-Five Thousand Four Hundred Ninety Dollars and Sixty-One Cents (\$345,490.61), for a total contract amount not to exceed Two Million Three Hundred Thirty-Seven Thousand Eight Hundred Eighteen Dollars and Sixty One Cents (\$2,337,818.61).
2. The Municipal Council hereby ratifies this Change Order/ Contract Amendment to Contract No. 06-2011PS from August 5, 2020 to the date of adoption of this authorizing Resolution. The

term of this contract shall be for a period of one (1) year from the date of Notice to Proceed issued by the Acting Director of the Department of Engineering and/or her designee.

3. A fully executed copy of the Amended Contract No. 06-2011PS shall be filed in the office of the City Clerk by the Director of Engineering.
4. No other changes to this contract are allowed without prior Municipal Council approval.
5. Any further extensions, as may be permitted by N.J.S.A. 40A:11-15(9), are subject to Municipal Council approval.
6. Funds for the Amended Contract No. 06-2011PS in the amount of \$345,490.61 are provided as below:

Fund: NW051 Dept.: G23 Project: E23F0 Account#: 71280 Budget Year: B2023

7. The award of this Amended Contract is in accordance with the procedures for the award of a Professional Service contract of Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., and Non-Fair and Open procedures of the New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.5.
8. Notice of this Amendment for a Professional Services contract, in accordance with N.J.S.A. 40A:11-5(1)(a)(i), shall be published in the official newspaper of the municipality, which notice shall be filed in the Office of the City Clerk, available for inspection by the public.
9. There shall be no amendments or changes to this contract without prior approval of the Municipal Council.

## STATEMENT

This Resolution hereby ratifies, amends, and authorizes the Mayor and/or his designee, the Director of the Department of Engineering, to issue and execute an Amendment to Contract No. 06-2011PS, for the Delancy Street Drainage, Traffic and Roadway Improvements, Final Design Project, authorizing a one (1) year extension to the contract term to complete roadway and drainage design, acquire new environmental permits, lighting design, and updated hydrologic and hydraulic analysis, and increasing the contract amount by Three Hundred Forty-Five Thousand Four Hundred Ninety Dollars and Sixty-One Cents (\$345,490.61), thereby bringing the total amount of this contract not to exceed Two Million Three Hundred Thirty-Seven Thousand Eight Hundred Eighteen Dollars and Sixty-One Cents (\$2,337,818.61),