



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 13-1011, **Version:** 1

Dept/ Agency: Engineering

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

Type of Service: Change Order/Amend Resolution

Purpose: Renovation of Chestnut Street Fire House, Engine 27/Ladder 4, located at 87-89 Elm Road, Newark, New Jersey 07105

Entity Name: Bismark Construction Corporation

Entity Address: 207-209 Berkeley Avenue, Newark, New Jersey 07107

Contract Amount: \$3,188,600.00(with an increase of \$227,151.83 for a total amount of \$3,415,751.83)

Funding Source: City of Newark Budget/Engineering

Contract Period: February 1, 2012 through October 31, 2013

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

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

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

Additional Information:

Amending Contract #21-2010 amount from \$3,188,600.00 to \$3,415,751.83 (Increased by \$227,151.83)

Resolution 7R4-C adopted May 18, 2011 (Original contract \$3,188,600.00)

Resolution 7R4-A adopted March 6, 2013 (Extension of time for completion of work)

WHEREAS, Resolution 7R4-C adopted, May 18, 2011, authorized the Director of the Department of Engineering to execute Contract #21-2010 Renovation of Chestnut Street Fire House, Engine 27/Ladder 4, located at 87-89 Elm Road, Newark, New Jersey 07105, with Bismark Construction Corporation, 207-209 Berkeley Avenue, Newark, New Jersey 07107, in the total bid amount of \$3,188,600.00 for the period of February 1, 2012 through January 30, 2013; and

WHEREAS, Resolution 7R4-A adopted, March 6, 2013, authorized the Director of the Department of Engineering to amend Contract #21-2010, Renovation of Chestnut Street Fire House, Engine 27/Ladder 4, located at 87-89 Elm Road, Newark, New Jersey 07105, to extend the time

period to complete all work through July 27, 2013; and

WHEREAS, due to unforeseen circumstances discovered after the contract was awarded and some of the interior demolition work had begun, the Project has been delayed (see Attachment A); and

WHEREAS, the Director of the Department of Engineering and the contractor, Bismark Construction Corporation agree that a time extension is necessary for the additional work needed to complete the Project; and

WHEREAS, the Director of the Department of Engineering desires to amend Contract #21-2010 to: (a) extend the term of the contract from February 1, 2012 through July 27, 2013 to February 1, 2012 through October 31, 2013 for the construction phase of the Renovation of Chestnut Street Fire House, Engine 27/Ladder 4 with; and (b) increase the contract amount by \$227,151.83, thereby amending it from a total contract amount not to exceed \$3,188,600.00 to \$3,415,751.83; and

WHEREAS, the Director of the Department of Engineering certifies that the Change Orders to be approved are in accordance with *N.J.A.C. 5:30-11* and do not constitute a material expansion in the size, nature or scope of the Project and the extra work cannot be reasonably effectuated by a separately bid contract without unduly disrupting the basic work; and

WHEREAS, the Director of the Department of Engineering recommends the time extension of the contract and certifies that the work is being performed in an efficient and effective manner; and

WHEREAS, the term of a public works contract, including contracts for professional services may be extended for such time as necessary for the completion of actual construction, pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-15(9)*.

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 Engineering, are hereby authorized to enter into and execute a Second Amendment to Contract #21-2010, Renovation of Chestnut Street Fire House, Engine 27/Ladder 4 Project with Bismark Construction Corporation, 207-209 Berkeley Avenue, Newark, New Jersey 07107, to amend the contract as follows: (a) extend the term of the contract from February 1, 2012 through July 27, 2013 to February 1, 2012 through October 31, 2013 for the construction phase of the Renovation of Chestnut Street Fire House, Engine 27/Ladder 4 with; and (b) increase the contract amount by \$227,151.83, thereby amending it from a total contract amount not to exceed \$3,188,600.00 to \$3,415,751.83.

2. The Municipal Council hereby ratifies this contract amendment July 27, 2013 to the date of the adoption of this resolution.

3. All other terms and conditions of Contract #21-2010 Renovation of Chestnut Street Fire House, Engine 27/Ladder 4 Project shall apply and remain in force till the contract is completed.
4. A fully executed copy of the Second Amendment to Contract #21-2010 Renovation of Chestnut Street Fire House, Engine 27/Ladder 4 Project shall be filed in the Office of the City Clerk by the Director of the Department of Engineering.
5. Attached hereto is the Certification of Funds with available balances issued by the Chief Financial Officer, City of Newark, which states that there are available sufficient legally appropriated funds for the purpose set forth hereinabove, in the amount of \$227,151.83. Funds for this Project shall be from: Fund: 045, Department: 007, Project: 07BO0, Account: 94710, Budget Year: B2007
6. No further amendments or modifications to this amended contract shall be permitted without prior Municipal Council approval.
7. A fully executed copy of this Change Order/Amendment shall be filed in the Office of the City Clerk by the Director of Engineering or his designee.
8. This contract amendment is in compliance with the provisions of the Local Public Contracts Law *N.J.S.A. 40A:11-15(9)* and pursuant to the New Jersey Local Unit Pay-to-Play Law, *N.J.S.A. 19:44-20*, and in compliance with Executive Order (MEO-07-0001) effective March 31, 2007.

STATEMENT

This resolution ratifies and authorizes the Mayor and/or his designee, the Director of Engineering, to enter into and execute Second Amendment to Contract #21-2010 Renovation of Chestnut Street Fire House, Engine 27/Ladder 4 Project with Bismark Construction Corporation, 207-209 Berkeley Avenue, Newark, New Jersey 07107 to: (a) extend the term of the contract from February 1, 2012 through July 27, 2013 to February 1, 2012 through October 31, 2013 for the construction phase of the Renovation of Chestnut Street Fire House, Engine 27/Ladder 4 with; and (b) increase the contract amount by \$227,151.83, thereby amending it from a total contract amount not to exceed \$3,188,600.00 to \$3,415,751.83.