



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

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File #: 13-1241, Version: 1

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**Dept/ Agency:** Engineering

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

**Type of Service:** Change Order/Amend Resolution

**Purpose:** Renovations to the Child and Family Well-Being Pavilion, 394 University Avenue, Newark, New Jersey 07102

**Entity Name:** GPC, Inc.

**Entity Address:** 20 E. Willow Street, Millburn, New Jersey 07041

**Contract Amount:** \$6,037,000.00 (with an increase of \$468,581.97) for a total amount of \$6,505,581.97

**Funding Source:** City of Newark Budget/Child & Family Well-Being

**Contract Period:** Extending the Term from September 22, 2011 through December 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 #20-2010 amount from \$6,037,000.00 to \$6,505,581.97)(Increased by \$468,581.97)

Resolution 7R4-a, adopted March 2, 2011

**WHEREAS**, Resolution 7R4-a, adopted March 2, 2011, authorized the Director of the Department of Engineering to execute Contract #20-2010, Renovations to the Child and Family Well-Being Pavilion ("Pavilion"), located at 394 University Avenue, Newark, New Jersey 07102, for the total bid amount of \$6,037,000.00, with GPC, Inc., 20 E. Willow Street, Millburn, New Jersey 07041; and

**WHEREAS**, on September 21, 2011, the Department of Engineering issued a Notice To Proceed, specifying the contract term as 120 days from that date; and

**WHEREAS**, due to project modifications, including those necessary to obtain regulatory licensure approval (requiring the abatement of all life safety health issues) and other unforeseen circumstances, the Department of Engineering has deducted and increased some of the original quantities; and added work as a result of other adjustments and revisions in the Pavilion construction plans, the general contractor, GPC, Inc. issued Change Order Nos. 1-4; and

**WHEREAS**, the Director of the Department of Engineering certifies that the substance and the procedures to approve Change Order Nos. 1-4, 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 and could not be reasonably effectuated by a separately bid contract, without unduly disrupting the basic work; and

**WHEREAS**, the Director of the Department of Engineering and the contractor, GPC, Inc.,

agree that a time extension is necessary for the additional work needed to complete the project and to pay outstanding invoices; and

**WHEREAS**, the Director of the Department of Engineering desires to amend Contract #20-2010, Renovations to the Child and Family Well-Being Pavilion, located at 394 University Avenue, Newark, New Jersey 07102 to: (a) increase the contract amount from \$6,037,000.00 to \$6,505,581.97 (an increase of \$468,581.97, net of all decreases and other modifications to the contract: and (b) extend and ratify back the contract term from September 21, 2011 to January 19, 2012 to September 21, 2011 to December 31, 2013; and

**WHEREAS**, the term of a public works contract, 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); and

**WHEREAS**, after a review of the additional work items to be performed which were unforeseen, the Director of the Department of Engineering determined that it was in the best interests of the City of Newark to complete the work outlined in Change Order/Amendment Nos. 1-4 to Contract #20-2010; and

**WHEREAS**, the contract amount is amended to increase the total sum, net of all deductions, by the amount of \$468,581.97, thereby bringing the total amount of this contract from \$6,037,000.00 to \$6,505,581.97.

**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 Engineering, are hereby authorized on behalf of the City of Newark to execute Change Order/Amendment Nos. 1-4 to Contract 20-2010 for Renovations to the Child and Family Well-Being Pavilion, located at 394 University Avenue, Newark, New Jersey 07102, to amend the contract as follows: (a) extending the term of the contract from September 22, 2011 through December 31, 2013, for the purpose of completing construction, and (b) amending the contract amount from \$6,037,000.00 to \$6,505,581.97 (an increase of \$468,581.97, net of all decreases and other modifications to the contract).
2. The Municipal Council hereby ratifies the contract amendment from January 19, 2012 to the date of adoption of this authorizing resolution.
3. Attached hereto is a Certification of Funds 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. A copy of the Certification of Funds issued shall be filed in the Office of the City Clerk together with this resolution by the Director of the Department of Engineering.
4. A fully executed copy of the Change Order/Amendment Nos. 1-4 to Contract #20-2010, Renovations to the Child and Family Well-Being Pavilion, located at 394 University Avenue, Newark, New Jersey 07102, shall be filed in the Office of the City Clerk by the Director of the Department of Engineering.

4. No other changes to this contract are allowed without prior Municipal Council approval.
5. The public bidding process under which this contract was awarded pursuant to the Local Public Contracts Law, N.J.S.A 40A: 11-1, et seq.; which complied with the requirements of the New Jersey Local Unit Pay-to-Play, N.J.S.A. 19:44A-20.5 et seq.; and the processing of the Change Order/Amendment Nos. 1-4, is in compliance with N.J.A.C. 5:30-1.
6. Funds for Change Order Nos. 1-4, for Contract #20-2010, Renovations to the Child and Family Well-Being Pavilion, located at 394 University Avenue, Newark, New Jersey 07102, is provided from Fund: 051, Department: G10, Project: H2080, Account: 95960, Budget Year: B2010 and Fund: 051, Department: G10, Project: H2080, Account: 9402, Budget Year: B2010.

#### **STATEMENT**

This Resolution ratifies and authorizes the Mayor and/or his designee, the Director of the Department of Engineering, to execute Change Order/Amendment Nos. 1-4 to Contract #20-2010, Renovations to the Child and Family Well-Being Pavilion, located at 394 University Avenue, Newark, New Jersey 07102, with GPC Inc., 20 E. Willow Street, Millburn, New Jersey 07041, to amend the contract as follows: (a) extending the term of the contract from September 22, 2011 through December 31, 2013, for the purpose of completing construction, and (b) amending the contract amount from \$6,037,000.00 to \$6,505,581.97 (an increase of \$468,581.97, net of all decreases and other modifications to the contract).