



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 18-0581, **Version:** 1

Dept/ Agency: Water and Sewer Utilities

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

Type of Service: Change Order No. 2/Amend Resolution 7R1-d(AS)010616 and 7R12-c071217

Purpose: Execute Change Order No. 2 for Pequannock Water Treatment Plant Improvements Phase -2 Contract 06-WS2011

Entity Name: Allied Construction Group Inc.

Entity Address: 499 Washington Road, Parlin, New Jersey 08859

Contract Amount: \$5,253,213.00

Funding Source: Water and Sewer Utilities Capital Budget

Contract Period: Final Completion extended by 466 days

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:

Change Order No. 2 will increase the original contract amount of \$5,058,152.00, by \$195,061.00, with a new contract total of \$5,253,213.00, and extending the completion time by four hundred sixty-six (466) calendar days.

Original Resolution 7R1-d(AS) adopted on January 6, 2016

Change Order No. 1 Resolution 7R12-c adopted on July 12, 2017

WHEREAS, Resolution 7R1-d(AS) dated January 6, 2016 authorized the award of Contract 06-WS2011 to, Allied Construction Group Inc., 499 Washington Road, Parlin, New Jersey 08859 ("Allied"), in the amount of \$4,877,000.00, in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, Resolution 7R12-c dated July 12, 2017 authorized the execution of Change Order No. 01 to Contract 06-WS2011 with Allied, increasing the Contract amount by \$181,152.00 to a total resulting Contract amount of \$5,058,152.00, and increasing contract completion time by two hundred fifty-seven (257) days, in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Department's SCADA integration was specified in the contract to be performed by the specified instrumentation integration subcontractor ABB Inc. and the existing control system at the Pequannock Water Treatment Plant is ABB system which only ABB Inc., can modify to integrate the new chlorination facility; and

WHEREAS, during the course of the project, the City became aware of the inability of ABB to get the work done, as ABB was nonresponsive and unreasonable; and

WHEREAS, the City advised the contractor to get pricing from another sub-contractor other than ABB, to complete this work by installing a stand-alone SCADA system for the chlorination facilities

without combining with the ABB system; and

WHEREAS, the sub-contractor, Innovative Mission Systems (IMS) was contacted by our contractor, Allied Construction Group, Inc., and the proposal from IMS was provided with cost and schedule including the extra time necessary to get the equipment necessary and installation; and

WHEREAS, Water and Sewer Utilities has reviewed the proposal and found it to be acceptable and in the best interest of the city to accept, and implement the necessary SCADA integration work by IMS; and

WHEREAS, work is expected to be completed in 2018; and

WHEREAS, as a result of these unforeseen conditions, project delays were encountered which necessitated additional work in the amount of \$195,061.00, and additional time of four hundred sixty-six (466) calendar days were required to complete the additional work; and

WHEREAS, Contract 06-WS2011, therefore, is to be further amended with a net amount of \$195,061.00 to be added to the total contract amount and an additional four hundred sixty-six (466) calendar days to be added to the contract completion time; and

WHEREAS, the Department of Water and Sewer Utilities wishes to execute Change Order No.02 to Contract 06-WS2011 Pequannock Water Treatment Plant Improvements Phase-2 with Allied Construction Group Inc., 499 Washington Road, Parlin, New Jersey 08859, increasing the contract by \$195,061.00, bringing the contract amount to \$5,253,213.00 and extending the contract completion time by four hundred sixty-six (466) calendar days; and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C, which forbids the award of a contract of a Business Entity, as defined therein, which has made or solicited political contributions to Newark Municipal Candidates, office holders having ultimate responsibility for the award of a contract; candidate committees of the aforementioned candidates, and political or political party committees of the City of Newark or County of Essex; and continuing political committees or political action committees regularly engaged in the support of the City of Newark Municipal or County of Essex elections; and certain other political party or candidate committees, in excess of certain thresholds.

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

1. The Municipal Council hereby authorizes the Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities, to execute Change Order No. 02 to Contract 06-WS2011 Pequannock Water Treatment Plant Improvements Phase-2 with Allied Construction Group, Inc., 499 Washington Road, Parlin, New Jersey 08859, increasing the contract by \$195,061.00, bringing the total contract amount to \$5,253,213.00 and extending the contract completion time by four hundred sixty-six (466) calendar days.

2. Attached hereto is a Certification of Funds from the Chief Financial Officer, which states that funds in the amount of \$195,061.00, are available in the Water and Sewer Utilities Capital Budget under Business Unit NW041, Department ID 11W, Division/Project 11W00, Account # 94710, Budget

Ref. B2011 and which shall be filed along with the original Resolution in the Office of the City Clerk.

3. The Director of the Department of Water and Sewer Utilities shall file a fully executed copy of the Change Order No. 02 in the Office of the City Clerk.

4. The Director of the Department of Water and Sewer Utilities shall file a fully executed copy of the Change Order No. 02 with the New Jersey Department of Environmental Protection (NJDEP).

5. This contract was solicited and awarded pursuant to the fair and open procedures in accordance with the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5), and pursuant to the provisions of the Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a)(i), and is in compliance with the City's Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.

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 authorizes the Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities, to execute Change Order No. 02 to Contract 06-WS2011 Pequannock Water Treatment Plant Improvements Phase-2, with Allied Construction Group, Inc., 499 Washington Road, Parlin, New Jersey 08859, increasing the contract by \$195,061.00, bringing the total contract amount to \$5,253,213.00 and extending contract completion time by four hundred sixty-six (466) calendar days.