

Resolution 12-037

**RESOLUTION OF THE ROCKAWAY VALLEY REGIONAL SEWERAGE
AUTHORITY AUTHORIZING EXECUTION OF PROFESSIONAL
ENGINEERING SERVICE CONTRACT AMENDMENT FOR
INTERCEPTOR SEWER CLEANING, VIDEO INSPECTION AND
REHABILITATION PROJECT**

WHEREAS, the Rockaway Valley Regional Sewerage Authority ("RVRSA") needs and desires to engage professional engineering services relevant to the Interceptor Sewer Cleaning, Video Inspection and Rehabilitation Project consisting of approximately 40,000 linear feet of interceptor sewer cleaning and video inspection in order to evaluate the condition of the same and obtain recommendations relevant to rehabilitation work, if required; and

WHEREAS, Hatch Mott MacDonald, with an office located at 27 Bleeker Street, Millburn, New Jersey, was authorized to Prepare Plans and Specifications for Cleaning and Internal Video Inspection of approximately 29,500 linear feet of interceptor sewer by resolution 09-002 in an amount not to exceed \$26,914.00; and

WHEREAS, the RVRSA adopted Resolution 09-081 dated October 8, 2009, that awarded to Hatch Mott MacDonald a construction management contract for the performance of the tasks outlined in a proposal No. IWMP00 AN 01, dated October 2, 2009, which is marked "Schedule A" and attached hereto and made a part hereof and entitled "Proposal for Professional Engineering Services-2009 RVRSA- Interceptor Sewer Cleaning, Video Inspection and Rehabilitation Project," for the foregoing purpose on a reimbursable basis for a not-to-exceed budget of \$300,000 to complete the work described in the attached HMM Proposal for Professional Engineering Services; and

WHEREAS, by letter dated March 7, 2012, attached hereto and made a part hereof, Hatch Mott has requested that the aforementioned not to exceed budget in the amount of \$300,000 be increased by \$135,000 to establish a new total contract amount not to exceed \$435,000, for the reasons as enumerated therein letter; and

WHEREAS, the RVRSA reserves the option to back charge the Contractor for any engineering service costs with respect to deficient notice of work as enumerated in Robert Curti, P.E.'s letter dated March 7, 2012 in the amount of \$63,869.09, or any amount thereof; and

WHEREAS, the foregoing services are professional services as defined in the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) which are permitted to be contracted without public bidding as set forth in N.J.S.A. 40A:11-5(1)(1) as a "non-fair and open" contract pursuant to the provisions of N.J.S.A. 19:44A-20.5.

NOW, THEREFORE, BE IT RESOLVED the Rockaway Valley Regional Sewerage Authority as follows:

1. The Rockaway Valley Regional Sewerage Authority recognizes that Hatch Mott MacDonald has an established reputation in the field of engineering matters and recognizes that they possess specialized abilities and resources to provide the expert engineering services necessary to meet the Authority's needs.
2. The Executive Director is hereby authorized and directed to execute a contract amendment with Hatch Mott MacDonald as per letter dated March 7, 2012, attached hereto and made a part hereto, to amend the amount by \$135,000, specifically from \$300,000 to an amount not to exceed \$435,000, upon the submission by Hatch Mott MacDonald of the New Jersey Business Registration Certificate and Business Entity Disclosure Certification.
3. Hatch Mott MacDonald shall submit monthly payment requests, with back up documentation in a form satisfactory to the Executive Director, prior to the disbursement of any monthly payment requests.
4. This contract amendment is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5, because the service is of such a nature that it will not reasonably permit the drawing of specifications or the receipt of competitive bids.
5. A notice of contract amendment award shall be published in the official newspaper, a brief notice stating the nature, duration, service and amount of the contract amendment, and that the Resolution and contract are on file and available for public inspection at the Authority and the clerk's office of the municipalities creating the Authority.
6. All of the provisos contained in Resolution 09-081 shall remain in full force.
7. The RVRSA shall reserve the option to back charge the Contractor the amount of \$63,869.09 or any amount thereof, for additional engineering service costs incurred with respect to deficient notice of work as enumerated in Robert Curti, P.E.'s letter dated March 7, 2012.
8. This Resolution shall take effect immediately.

CERTIFICATION

I do hereby certify that this Resolution was adopted at a regular meeting of the
Rockaway Valley Regional Sewerage Authority held on March 08, 2012

on motion of Michael Guadagno

second by Joseph Lowell

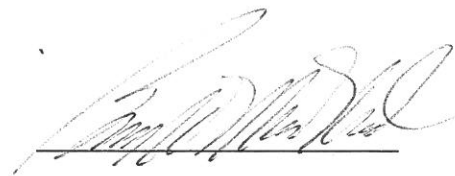
ROLL CALL VOTE:

YEAS: (5) Cegelka, Guadagno, Lowell, Schaefer, Schorno

NAYS: (1) MacNeal

ABSTAIN: (0) None

ABSENT: (4) Corbett, Klingener, Schulman and Secco

A handwritten signature in dark ink, appearing to read 'Bruce W. MacNeal', is written over a horizontal line.

Bruce W. MacNeal
Secretary