

**RESOLUTION OF THE ROCKAWAY VALLEY REGIONAL SEWERAGE
AUTHORITY AUTHORIZING EXECUTION OF CONTRACT AMENDMENT FOR
CONSTRUCTION PHASE PROFESSIONAL ENGINEERING SERVICES FOR
CONTRACT 37 BIOSOLIDS THICKENING FACILITIES**

WHEREAS, RVRSA requires the performance of professional engineering services in connection with construction phase professional engineering services incidental to the Biosolids Thickening Project, including, but not limited to, construction administration, review of shop drawings, response to contractor Requests for Information (RFI's), review of proposed substitutions, full time observation of construction progress, attendance at meetings, review of contractor pay estimates, and preparation of record drawings and an O&M manual for the project; and

WHEREAS, the Authority received and reviewed the proposal of Hatch Mott MacDonald dated November 9, 2009, in connection with the same,

WHEREAS, the Authority, by Resolution 10-003 dated January 14, 2010, determined that it is in the best interest of the Authority to engage the services of Hatch, Mott, MacDonald to perform the services outlined in the proposal for a not-to-exceed amount of \$758,000.00; and

WHEREAS, by letter dated March 07, 2012, attached hereto and made a part hereof, Hatch Mott MacDonald has requested that the Authority increase the original budget authorization by the amount of \$212,000 to \$970,088.00 for payment of additional construction services and costs associated with the extension of the contract time and increased contract administration required for the management and completion of the project; and

WHEREAS, the Authority has reviewed Mr. Robert Curti's letter dated March 07, 2012, attached hereto and made a part hereof, and has determined the following:

- Item No's 3, 6, 8, 11 and 19 in the amount of \$12,100.00 were deemed to be work associated with, and in addition to, what was identified in the original engineering proposal from Hatch Mott MacDonald dated January 24, 2010;
- Item No's 1,2,13,16 and 18 in the amount of \$23,440.00 were the result of mistakes realized by the Contractor, and as such, these costs shall be borne by the Contractor; and
- Item No's 14 and 17 in the amount of \$2,250.00 were to correct design errors, and such cost shall be borne by Hatch Mott MacDonald.

WHEREAS, prior to contract execution, Hatch, Mott, MacDonald will affirm the Business Entity Disclosure Certification recently provided and certify that Hatch Mott MacDonald has not made any reportable contributions to a political or candidate committee in the

RVRSA in the previous year, and the contract will prohibit Hatch Mott MacDonald from making any reportable contributions through the term of the contract; and

WHEREAS, the Authority is authorized to award a contract for the provision of professional services without advertisement and bidding in accordance with the provisions of the Local Public Contract Law and as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, funds are available for this purpose from the Capital Project Budget 2012.

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

1. The Executive Director is authorized to execute a contract amendment with Hatch Mott MacDonald to perform Construction Phase Professional Engineering Services relevant to the RVRSA Biosolids Thickening Facilities Project, for an additional amount of \$209,838.00, establishing an amended not to exceed total amount of \$967,838.00.
2. Hatch Mott shall submit monthly requests for payment, with back up documentation in a form satisfactory to the Executive Director, prior to the disbursement of any monthly payment request.
3. This Resolution shall be published in accordance with N.J.S.A. 40A:11-5(1)(a)(i) and shall take effect as provided by law.
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. All of the provisos contained in Resolution 10-003 shall remain in full force.
6. 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 John Cegelka

ROLL CALL VOTE:

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

NAYS: (1) MacNeal

ABSTAIN (0) None

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



Bruce W. MacNeal,
Secretary