

Resolution 12-106

RESOLUTION OF THE ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY AUTHORIZING AMENDMENTS TO THE RESOLUTIONS THAT PROVIDE FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE DESIGN AND PERMITTING FOR REPLACEMENT OF A SECTION OF THE OLD JERSEY CITY TRUNK SEWER, CONSTRUCTION CONTRACTS 38, 39 AND 40

WHEREAS, the Rockaway Valley Regional Sewerage Authority (RVRSA) has the need and desires to engage professional engineering services related to the replacement of a section of the Old Jersey City Trunk Sewer that was washed out by Hurricane Irene in August 2011; and

WHEREAS, proposals for those services were submitted by Hatch Mott MacDonald with offices located at 27 Bleeker Street, Millburn, New Jersey and the RVRSA retained Hatch Mott MacDonald to provide those services by Resolution 11-076 on October 13, 2011 for the Morris Avenue portion of the project (Construction Contract 39) in a reimbursable amount not to exceed \$87,000 and by Resolution 11-080 on October 27, 2011 for the Monroe Street and Trunk Sewer Rehabilitation (Construction Contracts 38 and 40) in a reimbursable amount not to exceed \$509,700; and

WHEREAS, conditions have arisen during the conduct of the work by Hatch Mott MacDonald that were not anticipated at the time of the authorization of the services indicated above that have required additional services resulting in additional cost to Hatch Mott MacDonald; and

WHEREAS, Hatch Mott MacDonald periodically advised the RVRSA that unanticipated conditions were encountered and that there were additional cost including letters dated May 9, 2012 and October 11, 2012 but the total additional cost could not be determined at that time; and

WHEREAS, Hatch Mott MacDonald submitted a letter dated August 2, 2012 to the RVRSA that details the unanticipated conditions and resultant costs associated with Monroe Street and Trunk Sewer Rehabilitation (Construction Contracts 38 and 40) and for services rendered to date and an estimate to complete the project and the RVRSA authorized an increase of the not to exceed fee to \$649,616.36 by Resolution 12-089; and

WHEREAS, Hatch Mott MacDonald submitted a letter dated August 28, 2012 to the RVRSA that details the unanticipated conditions and resultant cost associated with the Morris Avenue (Construction Contract 39) and for services rendered to the date of the letter and an estimate to complete the project and the RVRSA authorized an increase in the amount not to exceed fee to \$199,013.65 by Resolution 12-089; and

WHEREAS, Hatch Mott MacDonald has submitted a request for additional compensation for work complete and amounts estimated to complete projects Contract

38, & 40 and Contract 39 dated December 4, 2012 and December 11, 2012 with clarifications and revisions; and

WHEREAS, the necessary additional funds are available in the RVRSA capital account and reimbursement of these expenses is anticipated from FEMA and the NJEIT loan; and

WHEREAS, it has been recognized that there will be a need for continuing work following the dates of the letters to complete the design and permitting of the projects which will be requested by Hatch Mott MacDonald based on the contract billing rates and authorized by separate resolution for which the RVRSA;

Now, Therefore Be It Resolved by the RVRSA as follows:

1. The authorized reimbursable amount of fees to be paid to Hatch Mott MacDonald for the Morris Avenue Construction Contract 39) portion of the project as provided for in Resolution 12-089 Dated October 11, 2012 is increased by \$21,356.37 resulting in a total not to exceed amount of \$220,370.02
2. The authorized reimbursable amount of fees to be paid to Hatch Mott MacDonald for the Monroe Street and Trunk Sewer Rehabilitation (Construction Contracts 38 and 40) portion of the project as provided for in Resolution 12-089 dated October 11, 2012 is increased by \$109,385.83 resulting in a total not to exceed amount increase from \$649,616.36 to \$759,002.19.
3. All other provisions of the contract with Hatch Mott MacDonald for the Morris Avenue Construction Contract 39 and for Monroe Street Trunk Sewer Rehabilitation Construction Contracts 38 and 40 shall remain in effect.
4. The foregoing services are "professional" services as defined in N.J.S.A. 40A:11-2(6) which are permitted to be contracted without public bidding as set forth in N.J.S.A.. 40A11-5(1) (a) and as a "non-fair and open" contract pursuant to the provisions of N.J.S.A. 19:44A-20-5
5. A copy of this resolution shall be available for public inspection at the offices of the RVRSA at 99 Greenbank Road, Township of Parsippany, Troy Hills, Morris County, New Jersey.
6. Notice of Contract Award shall be published in the Daily Record as required by laws within ten (10) days of execution
7. The contract is awarded based on a non-fair and open process.
8. This Resolution shall take effect by law.

CERTIFICATION

I hereby certify that this Resolution was adopted at a regular meeting of the
Rockaway Valley Regional Sewerage Authority held on December 13, 2012

on motion of Michael Guadagno

second by Bruce MacNeal

ROLL CALL VOTE:

YEAS: (6) Cegelka, Corbett, Guadagno, MacNeal, Secco and Schorno

NAYS: (0) None

ABSTAIN: (0) None

ABSENT (4) Klingener, Lowell, Schaefer, Vincitore



Bruce W. MacNeal,
Board Secretary