

Resolution 14-056

RESOLUTION OF THE ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY AUTHORIZING CONTRACT MODIFICATION NUMBER 6 FOR CONTRACT 37, SLUDGE THICKENING FACILITIES MODIFICATIONS

WHEREAS, the Rockaway Valley Regional Sewerage Authority (hereinafter the "Authority") entered Contract 37 for the construction of a Sludge Thickening Building modifications with Tomar Construction Service Inc., 18 Connerty Court, East Brunswick, N.J. 08816 (hereafter "Contractor") and

WHEREAS, the bid price by the Contractor for the scope of work defined in the Contract 37 documents was \$6,185,000.00, and

WHEREAS, certain additions to and deletions from the contract tasks were made over the course of the Contractor's performance as more specifically set forth below, and

WHEREAS, Contract Modifications Number CM-001, CM-002, CM-003, CM-004 and Number CM-005 in the amounts of \$128,278.59, \$54,237.82, \$72,710.65, \$41,458.59, and \$12,644.98 respectively have been previously approved by the RVRSA and the NJDEP; and

WHEREAS, Contract Modification CM-006 eliminates (3) proposed trees from the Contract (item 1); provides RVRSA with a credit of \$550 for a light pole mistakenly demolished (items 2); provides RVRSA a credit of \$24,079 for monies withheld from Payment Applications related to Information to Bidders Article 0.27 of the Contract Documents (item 3); provides RVRSA a credit of \$3,715.35 for monies withheld from Payment Applications related to costs incurred by the Authority as a result of Contractor's use of RVRSA's electricity in connection with the project (item 4); provides RVRSA with a credit of \$17,224.81 for additional engineering costs incurred by the Authority to obtain a Certificate of Occupancy from the Township for the project as a result of a lack of coordination with the Township and the Contractor (item 5); provides RVRSA with a credit of \$23,440.00 for additional engineering costs incurred by the RVRSA as a result of the development of necessary corrective measures for defective Contract Work as referenced in Resolution No. 12-038; resolves extra costs as between the contractor and RVRSA for repairs to a 2-inch pipe at the 6-inch gate and valve assembly and for the relocation of fire service standpipes and appurtenances and for additional work at the valve vault chamber and area pumping (items 7 through 9); and

WHEREAS, said credits and the additional work required in items 1 through 9 as described in contract modification CM-006 (attached), are adjusted to a negotiated total cost of \$50,000.00 and a time extension of 196 calendar days; and

WHEREAS, the approval of contract modification CM-006 will increase the project cost to \$6,544,330.63; and

WHEREAS, Hatch Mott MacDonald has recommended approval of contract modifications CM-006; and

WHEREAS, Contract Modification CM-006 has been reviewed by legal counsel, Maraziti, Falcon & Healey, LLP, and it satisfies the requirements of N.J.A.C. 5:30-11.3; and

WHEREAS, the NJDEP has stated that NJEIT loan funds will be made available for eligible Contract Modifications; and

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

1. The Executive Director is hereby authorized and directed to execute a Contract Change Order substantially in the form as that attached hereto and to additionally execute with the Contractor, either as a term of said Change Order or separately as a condition of said Change Order, a mutual release whereby the Authority and the Contractor shall, respectively, waive, release and give up any and all claims and rights, whether asserted or unasserted, whether known or unknown, that one may have against the other arising out of Contract 37, except such claims as may arise against the Contractor as a result of latent defects.
2. Upon the execution of the aforesaid document(s) by the Authority and the Contractor and the receipt by the Authority of an appropriate and acceptable Maintenance Bond, the Executive Director shall release to the Contractor a final payment in the amount of \$214,149.62 which includes retainage held by the RVRSA in connection with the project.
3. The Executive Director is further directed to send the executed Contract Modification CM-006 to the NJEIT for approval and reimbursement.
4. This Resolution shall take effect as provided by law.

CERTIFICATION

I do hereby certify that this Resolution was adopted at a regular meeting of the Rockaway Valley Regional Sewerage Authority held on June 12, 2014.

on motion of Michael Guadagno

second by Glenn Corbett

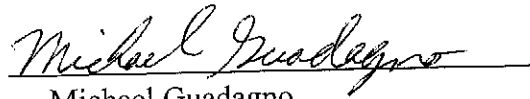
ROLL CALL VOTE:

Yeas: (8) Andes, Cegelka, Corbett, Guadagno, Lowell, Schaefer. Schorno. Secco

Nays: (0) None

Abstain: (2) Recchia and Vincitore

Absent: (0) None


Michael Guadagno
Board Secretary



**Hatch Mott
MacDonald**

Hatch Mott MacDonald
111 Wood Avenue South
Iselin, New Jersey 08830-4112

www.hatchmott.com

May 20, 2014

Via: U.S. Mail

Ms. JoAnn Mondsini
Executive Director
Rockaway Valley Regional Sewerage Authority
R.D. #1, 99 Greenbank Road
Boonton, New Jersey 07005-9602

**RE: 269297CA01 - Rockaway Valley Regional Sewerage Authority
Sludge Thickening Facilities Modifications
Contract No. 37
CM-006 Final Contract Modification Proposal and Acceptance**

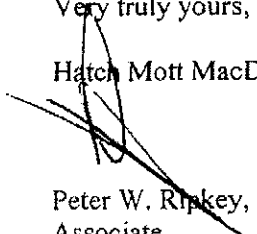
Dear Ms. Mondsini:

We are forwarding herewith four (4) executed copies of Contract Modification CM-006 for the above-referenced project. It is requested that after review, approval and signing, the Authority submit four (4) copies to the NJDEP (Attn: Dave Helfrich) for approval. Upon return of the approved document, copies should be forwarded to HMM, Tomar Construction Services and Maraziti, Falcon and Healey.

Should you have any questions concerning this matter, please do not hesitate to contact me.

Very truly yours,

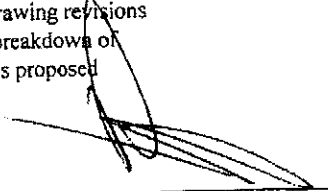
Hatch Mott MacDonald


Peter W. Ripkey, P.E.
Associate
T 973.912.2584 F 973.912.2455
peter.ripkey@hatchmott.com

Enc.

cc: Carrie Feuer, RVRSA
Scott W. Allen, RVRSA
Dave Helfrich, NJDEP (Email)
Robert Curti, HMM

CONTRACT MODIFICATION PROPOSAL AND ACCEPTANCE

1. ISSUING OFFICE RVRSA	2. PROJECT NO. S 340821-03	3. CONTRACT NO. 37	4. MODIFICATION NO. CM-006
5. TO (CONTRACTOR) Tomar Construction Services, Inc. 18 Connerty Court East Brunswick, NJ 08816		6. PROJECT LOCATION AND DESCRIPTION Rockaway Valley Regional Sewerage Authority Sludge Thickening Facilities Modifications Parsippany-Troy Hills, Morris County, New Jersey	
7. A proposal is required for making the hereinafter described change in accordance with specification and drawing revisions cited herein or listed in attachment hereto. Submit your proposal in space indicated on Page 2, attach detailed breakdown of prime and sub-contract costs (See the clause of this contract entitled, "Changes". DO NOT start work under this proposed change until you receive a copy signed by the Contracting Officer or a directive to proceed).			
<u>5/19/2014</u> Date		Peter W. Ripkey, PE Associate, Hatch Mott MacDonald Type Name and Title	
		 Signature	

8. DESCRIPTION OF CHANGE: Pursuant to the clause of this contract covering changes, the contractor shall furnish all labor and material, and all work necessary to accomplish the following described work:

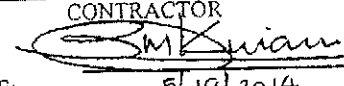
Contract Modification CM-006 is the Final Contract Modification prepared to reconcile the Final Payment Application and establish the Final Contract Value as described below. As a result, the contract price is revised as follows:

ITEM NO.	ITEM DESCRIPTION	UNIT PRICE	ESTIMATED QUANTITY	TOTAL COST
1	Elimination of Trees from the Contract	(\$1,000.00)	3	(\$3,000.00)
2	Credit for Demolished Light Pole	(\$550.00)	1	(\$550.00)
3	Deductions for Contract Article 0.27	(\$24,079.66)	1	(\$24,079.66)
4	Deductions for Electrical Usage	(\$3,715.35)	1	(\$3,715.35)
5	Deductions for additional work for CO	(\$17,224.81)	1	(\$17,224.81)
6	Deductions for Engineered Corrections	(\$23,440.00)	1	(\$23,440.00)
7	Repair to 2-inch pipe	\$13,405.76	1	\$13,405.76
8	Relocation of Stand Pipes	\$9,326.77	1	\$9,326.77
9	Additional Work at Valve Chamber	\$117,838.64	1	\$117,838.64
TOTAL COST OF ITEMS 1 THROUGH 9		\$ 68,561.35		
TOTAL COST OF MODIFICATION AS NEGOTIATED		\$ 50,000.00		

The contract time is hereby: increase ☒ decrease ☐ or remains the same ☐ by 196 calendar days as a result of this modification.


Contractor agrees that the time extension of 196 calendar days to Contract 37 and total cost of Contract Modification CM-006 in the amount of \$50,000.00 shall be full and complete compensation to the Authority for the work described in Contract Modification CM-006 and as such, Contractor, its officers, employees, successors and assigns, hereby releases the Owner, its Board Members, officers, employees and consultants of any and all claims, including, but not limited to, disruption, delay, loss of productivity, idle time for persons and equipment, home office overhead, extended or disrupted performance, additional mobilizations, re-mobilizations, indirect or impact claims, loss of profit, together with any other damages, that relate in any way to the work described in Contract Modification CM-006.

The foregoing modification is hereby accepted:

Tomar Construction Services, Inc. CONTRACTOR	RVRSA OWNER	Hatch Mott MacDonald ENGINEER
BY: 	BY: _____	BY: _____
DATE: <u>5/19/2014</u>	DATE: _____	DATE: <u>5/19/2014</u>

APPROVAL: _____ DATE _____
STATE OF NEW JERSEY

CONTRACT MODIFICATION PROPOSAL AND ACCEPTANCE

9. ISSUING OFFICE RVRSA	10. PROJECT NO. S 340821-03	11. CONTRACT NO. 37	12. MODIFICATION NO. CM-006
13. CONTRACTOR'S PROPOSAL - CHANGE IN CONTRACT PRICE (Detailed breakdown, attach additional sheets as necessary)			
<p>(Proposed)</p> <p>Item 1 - Three (3) proposed trees have been eliminated from the Contract at the established unit price of one thousand (\$1,000) dollars each as requested by the Contractor totaling a credit of three thousand (\$3,000) dollars.</p> <p>Item 2 - A credit of five hundred fifty (\$550) dollars offered by the Contractor for a light pole mistakenly demolished outside to the new RDT room addition.</p> <p>Item 3 - A credit of twenty four thousand seventy nine dollars and sixty six (\$24,079.66) for monies withheld from Payment Applications related to Information for Bidders Article 0.27 of the Contract Documents.</p> <p>Item 4 - A credit of three thousand seven hundred fifteen dollars and thirty five (\$3,715.35) cents for monies withheld from Payment Applications related to costs incurred by the Authority as a result of the Contractor's use of their electricity in connection with the project.</p> <p>Item 5 - A credit of seventeen thousand two hundred twenty four dollars and eighty one (\$17,224.81) cents for additional Engineering Costs incurred by the Authority in order to obtain a Certificate of Occupancy from the Township for the project as a result of a lack of coordination with the Township by the Contractor.</p> <p>Item 6 - A credit of twenty three thousand four hundred forty (\$23,440.00) dollars for additional Engineering Costs incurred by the Authority as a result of the development of necessary corrective measures for defective Contract work as referenced in Resolution No. 12-038.</p> <p>Item 7 - For additional repairs to a 2-inch pipe at the 6-inch gate and valve assembly. Refer to the attached Tomar Construction Services proposed change order request for \$13,405.76.</p> <p>Item 8 - For the relocation of fire service stand pipes and appurtenances. Refer to the attached Tomar Construction Services proposed change order request for \$9,326.77.</p> <p>Item 9 - For additional work at the Valve Vault Chamber and area piping. Refer to the attached Tomar Construction Services proposed change order request for \$117,838.64.</p> <p>Through negotiations between RVRSA and Tomar Construction Services, Inc., Items 1 through 9 noted above were adjusted to a total cost of \$50,000.</p>			
NET INCREASE \$ 50,000.00		NET DECREASE _____	
		CALENDAR DAYS INCREASE 196 DAYS	
DATE: 5/19/2014	TYPE NAME AND TITLE: Matt Kurian, General Manager Tomar Construction Services, Inc.		SIGNATURE: 

CONTRACT MODIFICATION PROPOSAL AND ACCEPTANCE

14. ISSUING OFFICE & PROJECT NO. RVRSA S 340821-03	15. CONTRACT NO. 37	16. MODIFICATION NO. CM-006
17. ORIGINAL CONTRACT BID PRICE..... \$ 6,185,000.00 TOTAL OF PREVIOUS CHANGE ORDERS..... \$ 309,330.63 TOTAL CONTRACT COST INCLUDING CHANGE ORDERS..... \$ 6,544,330.63		
18. NECESSITY FOR CHANGE AND REASON FOR OMISSION FROM PLANS AND SPECIFICATIONS: <p>Item 1 - The Contractor requested that the proposed tree be eliminated from the Contract at the established unit price. The Authority agreed to the request as the trees were not a requirement outside of the Contract between the Owner and Contractor.</p> <p>Item 2 - Compensation to the Authority for a light pole that was mistakenly demolished by the Contractor during construction.</p> <p>Item 3 - Formalization of monies withheld from Contractor's Payment Applications related to the Contract requirements of Article 0.27 of the Information to Bidders.</p> <p>Item 4 - Formalization of monies withheld from Contractor's Payment Applications for compensation to the Authority for supplying electricity to the Contractor during construction of the project.</p> <p>Item 5 - Compensation to the Authority for additional Engineering Costs incurred to obtain a Certificate of Occupancy for the project as a result of a lack of coordination with the Township by the Contractor.</p> <p>Item 6 - Compensation to the Authority for additional Engineering Costs incurred as a result of the development of necessary corrective measures for defective Contract work as referenced in Resolution No. 12-038.</p> <p>Item 7 - Additional repairs to a 2-inch pipe at the 6-inch gate and valve assembly.</p> <p>Item 8 - Relocation of fire service stand pipes and appurtenances due to new parking lot.</p> <p>Item 9 - Additional work at the Valve Vault Chamber and area piping do to unforeseen subsurface conditions encountered during construction.</p>		
19. OTHER IMPACTS RESULTANT OF THIS CHANGE: <p>The Contract duration has been extended by 196 days as a result of the time necessary to complete an extensive punch list and additional work items.</p>		
20. RESUME OF NEGOTIATIONS OR RECOMMENDATIONS (Loanee's Representative): <p>The negotiated costs associated with these items as well as the additional Contract time have by reviewed by HMM and the Authority and found to be acceptable.</p>		
DATE:	TYPE NAME AND TITLE OF LOANEE'S REPRESENTATIVE: JoAnn Mondsini - Executive Director RVRSA	SIGNATURE: