

**RESOLUTION AUTHORIZING SECOND AMENDMENT TO PROFESSIONAL SERVICES CONTRACT WITH KLEINFELDER, INC. FOR CONSTRUCTION SERVICES ASSOCIATED WITH CONTRACT 38-CONSTRUCTION OF MONROE STREET AND HARRISON AVENUE PUMP STATIONS AND ASSOCIATED SEWER CONSTRUCTION AND CONTRACT 39-OLD JERSEY CITY TRUNK SEWER RELINING**

**WHEREAS**, a need exists for the performance of professional engineering construction oversight services associated with Contract 38-Construction of Monroe Street and Harrison Avenue Pump Stations and associated sewer construction and Contract 39-Old Jersey City Trunk Sewer Relining; and

**WHEREAS**, by Resolution 14-069, adopted August 14, 2014, the Rockaway Valley Regional Sewerage Authority (the "Authority") authorized Kleinfelder, Inc., having an office at 321 Wall Street, Princeton, New Jersey ("Kleinfelder"), to undertake such services as set forth in the proposal dated July 28, 2014, for engineering services as outlined in the Proposal entitled, "Proposal For Professional Construction Phase Engineering and Resident Project Representative Services For Contracts 38 & 39", in an amount not to exceed \$402,930.00 without prior authorization; and

**WHEREAS**, the Authority received a proposal from Timothy Bradley, P.E., Kleinfelder, Inc., dated November 29, 2016, requesting additional funds for Construction Phase Engineering and PRP Services for Contracts 38 & 39, due to delays in completing Contract 38 construction in the amount of \$84,800, which was intended to provide sufficient funding through the end of December, 2016, and thereafter, a final amendment request would be submitted when the final completion date of the work could be accurately estimated, which amendment was authorized by Resolution 16-0134, adopted on December 8, 2016; and

**WHEREAS**, the final completion date of the work can now be estimated with a reasonable degree of accuracy, therefore, the Authority has received a proposal from Timothy Bradley, P.E., Kleinfelder, Inc., dated March 2, 2017, attached hereto and made a part hereof, requesting additional funds for Construction Phase Engineering and PRP Services for Contracts 38 & 39 in the amount of \$241,800, as well as, a budget of \$9,000 for a new task (Task 10) to assist the RVRSA in applying for and obtaining a Supplemental Loan for Contracts 38 through the New Jersey Environmental Infrastructure Financing Program; and

**WHEREAS**, the RVRSA desires to authorize Kleinfelder to undertake additional services as set forth in the proposal for the same dated March 2, 2107, attached, in an amount not to exceed \$250,800.00 without prior authorization; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq.) authorizes contracts for the provision of "Professional Services," which may be awarded without public advertising and competitive bidding, provided a brief notice of the nature, duration, service and amount of contract is published, and that the Resolution and contract are kept on file and available for public inspection.

**WHEREAS**, funds are available for these purposes at line item EIT-038 and EIT-039 Contract 38 and Contract 39 respectively; and

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

1. The Executive Director of the Rockaway Valley Regional Sewerage Authority is hereby authorized and directed to execute an amendment to the existing contract for Professional Engineering Services for Construction Phase Engineering and PRP Services for Contracts 38 & 39, with the firm of Kleinfelder, having an office at 321 Wall Street, Princeton, New Jersey, in accordance with proposal dated March 2, 2107, attached hereto and made a part of, in an amount not to exceed \$250,800.00 without prior authorization, for a new total contract amount of \$738,530.00, and conditioned upon the submission by Kleinfelder of its New Jersey Business Registration Certificate and Business Entity Disclosure Certification.
3. This contract 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.
4. A notice of contract award shall be published in the official newspaper, a brief notice stating the nature, duration, service and amount of the contract, 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.
5. 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 March 9, 2017

on motion of: Thomas Andes

second by: John Cegelka


ROLL CALL VOTE:

YEAS: (8) Andes, Cegelka, Corbett, Lowell, Recchia, Rossi, Schorno, Laverty

NAYS: (0) None

ABSTAIN: (1) Vincitore

ABSENT: (1) Guadagno

  
Michael Guadagno  
Board Secretary



March 2, 2017

VIA EMAIL

JoAnn Mondsini  
Executive Director  
Rockaway Valley Regional Sewerage Authority  
RD #1, 99 Green Bank Road  
Boonton, NJ 07005

**RE: CONSTRUCTION PHASE ENGINEERING AND RESIDENT PROJECT REPRESENTATIVE (RPR)  
SERVICES FOR CONTRACTS 38 & 39  
AMENDMENT REQUEST**

Dear Ms. Mondsini:

By letter dated November 29, 2016, Kleinfelder (KLF) requested an interim amendment to our authorized budget for Construction Phase Engineering and RPR Services for Contracts 38 & 39 due to delays in completing Contract 38 construction, requiring KLF to provide RPR Services for a longer time period than originally budgeted. The additional funding requested was \$84,800 which was intended to provide sufficient RPR budget through the end of December, 2016. The letter also indicated that a final amendment request would be submitted when the final completion of the work can be accurately estimated. KLF's interim amendment request was approved by the Rockaway Valley Regional Sewerage Authority (RVRSA) at its December Board Meeting.

Because the final completion date of the work can now be estimated with a reasonable degree of accuracy, KLF is requesting the final amendment to our budget for Construction Phase Engineering and RPR Services. Background information related to this final amendment request is presented below followed by the request for additional funding.

**Background**

Our original combined budgets by task for Contracts 38 & 39 are presented in the table below.

**Original Budget**

Task	Description	Cost
1	Resident Project Representative (RPR) Services	\$246,900
2	Meetings	\$18,400
3	Submittal Review and Processing	\$47,380
4	Requests for Information	\$12,190
5	Change Order Assistance	\$16,340
6	Testing, Startup Assistance and O&M Manuals	\$15,910
7	Record Drawings	\$7,800
8	Maintenance Period Support	\$5,360
9	Project Administration	\$32,650
	<b>TOTAL</b>	<b>\$402,930</b>

Our total budget of \$246,900 for RPR services was allocated to Contract 38 in the amount of \$227,150 and to Contract 39 in the amount of \$19,750.

Consistent with RVRSA's Request for Proposals (RFP) for construction phase engineering and RPR services, KLF's RPR budget was based on a construction contract period of 240 calendar days to complete Contract 38, and a construction contract period of 180 calendar days to complete Contract 39. However, the design documents prepared by Hatch Mott McDonald, which were finalized for bidding after the RFP was issued and proposals were received, provided a construction contract period of 300 calendar days, to complete Contract 38 rather than 240 calendar days. This change resulted in the need for KLF to provide RPR services for a 60 calendar day period longer than assumed for our original proposal and budget.

The Notice to Proceed for Contract 38 was issued on September 3, 2015, resulting in a contract completion date of June 28, 2016. The contract completion date would have been April 28, 2016 based on the originally anticipated contract period of 240 calendar days.

As described in the interim amendment request dated November 29 2016, construction was not yet complete due to a combination of factors including unforeseen site conditions and, the need for design-related changes, and the Contractor's extensive support in addressing the emergency interceptor repair at West Main Street. While final completion date for Contract 38 was not yet known, it was believed the final completion date would be known by the end of December 2016. Therefore, the interim amendment requested \$84,400 in funding to cover the cost of additional RPR services through the end of December, 2016.

By letter dated February 22, 2017, KLF recommend an initial time extension (Change Order No. 5) of Contract 38 by 187 calendar days from June 28, 2016 to January 2, 2017. This initial time extension was based on a total of sixteen (16) individual items that resulted in a negotiated aggregate time delay of 187 days. The February 22, 2017 letter also indicated that "there are still events that have occurred during the progress of the project to date that are being analyzed for their effect on the overall project schedule and whether or not disruption associated with those events, whether compensable or not, warrants further adjustment to the Contract Time."

On February 22, 2017, the Contract 38 Contractor provided an updated project schedule showing a final completion date of 9/11/17. As noted above, KLF is analyzing all events that have occurred to date to determine if a further time extension to 9/11/17 is justified, and if not, whether RVRSA should pursue liquidated damages. In the meantime, because we believe the updated schedule presents a realistic completion date based on the remaining work activities, we recommend that the final budget amendment for RPR services be based on a final construction completion date of 9/11/17. We are not requesting budget adjustments to any other project tasks.

### **RPR Budget Amendment**

The interim Amendment provided funding for RPR services through the end of December, 2016.

To estimate the cost of RPR services through 9/11/17, we recommend budgeting full time (40 hour per week) RPR services through the end of July and half-time (20 hour per week) RPR services from August 1, 2017 through 9/11/17.

The cost for full time RPR services is \$31,200 per month resulting in a cost of \$218,400 for the seven (7) month period of January 2017 through end of July, 2017. The cost for half time RPR

service is \$15,600 per month resulting in a cost of \$23,400 for the period 6 week period from August 1, 2016 though final completion. The total resulting cost for additional RPR services is estimated to be \$241,800.

In addition, a budget of \$9,000 is requested for a new task (Task 10) to assist the RVRSA in applying for and obtaining a Supplemental Loan for this project through the New Jersey Environmental Infrastructure Financing Program.

In summary, we request that additional RPR budget in the amount of \$241,800 be authorized to cover the cost of additional RPR services for the period January, 2017 through September 11, 2017, and that a budget of \$9,000 be authorized for new Task 10 for Supplemental Loan Assistance. Therefore, the total amount of this amendment request is \$250,800.

Please be assured that we will continue to work diligently and efficiently through final completion of Contract 38.

If you have any questions, please contact me at 609-454-4555, or by email at TBradley@Klienfelder.com.

Sincerely,



Timothy D. Bradley, P.E.  
Vice President

cc: C. Feuer  
M. Bean