

Resolution 17-152

RESOLUTION AUTHORIZING FOURTH 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, a final completion date of the work was thereafter estimated as September 11, 2017, and the Authority received a proposal from Timothy Bradley, P.E., Kleinfelder, Inc., dated March 2, 2017, 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, resulting in a total budget amendment request of \$250,800 which was approved by Resolution 17-045 adopted March 9, 2017; and

WHEREAS, due to change orders and additional delays that have occurred in recent months, the Authority has received a proposal from Timothy Bradley, P.E., Kleinfelder, Inc., dated September 7, 2017, requesting additional funds for Construction Phase Engineering and PRP Services for Contracts 38 & 39 in the amount of \$109,200, to cover the period August 1, 2017 to November 30, 2017, resulting in a total budget amendment request of \$109,200, which was approved by Resolution 17-111 adopted September 14, 2017; and

WHEREAS, due to unanticipated delays that have been encountered impacting the completion of the Morris Avenue gravity sewer and Monroe Street gravity sewer, the Authority has received a proposal from Timothy Bradley, P.E., Kleinfelder, Inc., dated December 7, 2017, attached hereto and made a part

of, resulting in a total budget amendment request of \$75,800, requesting additional funds for Construction Phase Engineering and PRP Services for Contract 38 in the amount of \$75,800 to cover the period November 30, 2017 to April 11, 2018 based on the recently submitted updated project schedule by the contractor, final completion of the project is now estimated to be achieved by the end of April 11, 2018; and

WHEREAS, the RVRSA desires to authorize Kleinfelder to undertake additional services as set forth in the proposal for the same dated December 7, 2017, attached, in an amount not to exceed \$75,800.00 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 Contract 38; 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, with the firm of Kleinfelder, having an office at 321 Wall Street, Princeton, New Jersey, in accordance with proposal dated December 7, 2107, attached hereto and made a part of, in an amount not to exceed \$75,800.00 without prior authorization, for a new total contract amount of \$923,530.00, 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 December 14, 2017.

on motion of:

second by: Michael Guadagno

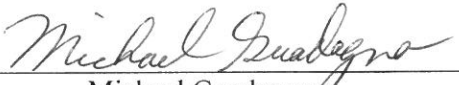
ROLL CALL VOTE:

YEAS: (7) Andes, Cegelka, Corbett, Guadagno, Lowell, Rossi, Schorno

NAYS: (0) None

ABSTAIN: (2) Recchia and Vincitore

ABSENT: (0) None



Michael Guadagno
Board Secretary



December 7, 2017

VIA EMAIL

JoAnn Mondsin
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. Mondsin:

The purpose of this letter is to request a budget amendment to our agreement for construction phase engineering services to continue providing resident project representative (RPR) services beyond the prior estimated construction completion date due to additional delays in achieving construction completion. Background information related to the need for additional RPR services is presented below followed by the scope and cost of additional RPR services.

Background

Kleinfelder's (KLF's) 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
	TOTAL	\$402,930

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.

Prior Amendment Requests

KLF's first amendment request was dated November 29, 2016, which was five (5) months past the contract completion date of June 28, 2016. Construction was not yet complete due to a combination of factors including unforeseen site conditions, the need for design-related changes, and the Contractor's extensive support in addressing the emergency interceptor repair at West Main Street. Because the final construction completion date for Contract 38 was not yet known, the first amendment request was described as an "Interim Amendment" request to cover the cost of services through the end of December 2016 which was the date by which the Contractor was to produce an updated project schedule. The interim amendment request was for \$84,400 in funding to cover the cost of additional RPR services through the end of December, 2016. This amendment request was subsequently approved by RVRSA.

On February 22, 2017, the Contract 38 Contractor provided an updated project schedule showing a final completion date of 9/11/17 which at that time appeared to be a realistic schedule.

KLF's second amendment request was dated March 2, 2017 and was based on continuing to provide RPR services through September 11, 2017. To estimate the cost of RPR services through 9/11/17, KLF recommended 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 additional RPR services based on this level of effort was \$241,800. In addition, a budget of \$9,000 was requested for a new task (Task 10) to assist the RVRSA in applying for a Supplemental Loan for this project through the New Jersey Environmental Infrastructure Financing Program. The resulting total budget amendment requested was \$250,800, which RVRSA subsequently approved.

KLF's third amendment request was dated September 7, 2017 and was due to additional construction delays which prevented the half-time RPR services from beginning in August 1, 2017 as assumed in the second amendment request. Based on information then available, KLF believed substantial completion would be achieved by the end of October, 2017 and that all punch list items would be addressed by the end of November, 2017, resulting in a final completion date of November 30, 2017. Therefore, KLF's third amendment request was based on: (1) half time versus full time RPR services 8/1/17 through 9/11/17; (2) full time RPR Services 9/12/17 through 10/31/17; and (3) half time RPR services 11/1/17 through 11/30/17. Based on this estimated level of effort, the resulting amendment request was for \$109,200, which RVRSA subsequently approved.

While the Monroe Street Pumping Station was successfully placed into service by the end of November, 2017, unanticipated delays have been encountered impacting the completion of the Morris Avenue gravity sewer and Monroe Street gravity sewer. The Contractor has recently submitted an updated project schedule indicating a final completion date of April 11, 2018.

KLF is currently analyzing all events that have contributed to these additional delays to determine if further time extension beyond the previously current contract completion date of April 18, 2017 is justified and if yes, to what extent, and whether RVRSA should pursue liquidated damages. In the meantime, because we believe April 11, 2018 is a realistic final completion date based on the remaining work activities, we recommend that the fourth and final budget amendment for RPR services be based on a final construction completion date of April 11, 2018. We are not requesting budget adjustments to any other project tasks.

RPR Budget Amendment

The estimated level of effort for additional RPR services is based on: (1) 30 hours per week RPR services versus half-time RPR services for the month of November 2017; (2) 30 hours per week RPR services for the month of December 2017; (3) 20 hours per week RPR services for the months of January and February 2018; and (4) 10 hours per week RPR services for the Month of March 2018 and through April 11, 2018.

Based on the level of effort for additional RPR services described above, the total resulting cost for additional RPR services is estimated to be \$75,800.

In summary, we request that additional RPR budget in the amount of \$75,800 be authorized to cover the cost of additional RPR services through April 11, 2018.

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: R. Bocchino
M. Bean
2045U