

Resolution 18-083

RESOLUTION AUTHORIZING FIFTH 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 (\$383,180 for Contract 38 and \$19,750 for Contract 39) 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 Contract 38, 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 16-134, 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 Contract 38 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 Contract 38 & 39 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 occurred, the Authority sought and 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 Contract 38 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 additional delays encountered impacting the completion of the Morris Avenue gravity sewer and Monroe Street gravity sewer, the Authority sought and received a proposal

from Timothy Bradley, P.E., Kleinfelder, Inc., dated December 7, 2017, 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 updated project schedule by the contractor, which was approved by Resolution 17-152 adopted December 14, 2017; and

WHEREAS, due to additional delays encountered impacting the completion of the Morris Avenue gravity sewer and Monroe Street gravity sewer, the Contractor was unable to meet the revised completion date of April 11, 2018, accordingly, the Authority sought and received a proposal from Timothy Bradley, P.E., Kleinfelder, Inc., dated July 11, 2018, requesting a total budget amendment of \$29,390, requesting additional funds for PRP Services for Contract 38 in the amount of \$29,390 to cover the period April 12, 2018 to July 8, 2018; and

WHEREAS, the RVRSA desires to authorize Kleinfelder to undertake additional services as set forth in the proposal for the same dated July 11, 2018, attached, in an amount not to exceed \$29,390.00 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

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 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 July 11, 2018, attached hereto and made a part of, in an amount not to exceed \$29,390.00 without prior authorization, for a new total contract amount of \$952,920.00, 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 August 9, 2018.

on motion of: Michael Guadagno

second by: John Cegelka

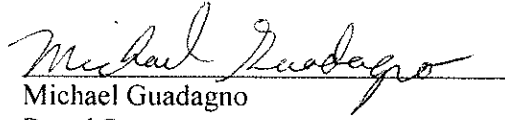
ROLL CALL VOTE:

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

NAYS: (0) None

ABSTAIN: (1) Vincitore

ABSENT: (2) Corbett and Recchia


Michael Guadagno
Board Secretary



July 11, 2018

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
FINAL AMENDMENT REQUEST**

Dear Ms. Mondsini:

The purpose of this letter is to request a final budget amendment to our agreement for construction phase engineering services due to a delay in construction completion beyond the April 11, 2018 completion date that was established in December 2017 based on an updated project schedule prepared by the Contractor. Background information related to Kleinfelder's original budget and the prior amendment requests approved the Rockaway Valley Regional Sewerage Authority (RVRSA) are presented below followed by the need for a final budget amendment due to a further delay in achieving construction completion.

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

First Amendment Request

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 \$84,800 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 Contractor provided an updated project schedule showing a completion date of September 11, 2017 which at that time appeared to be a realistic schedule.

Second Amendment Request

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.

Third Amendment Request

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 were encountered which impacted the completion of the Morris Avenue gravity sewer and Monroe Street gravity sewer. On December 8, 2017, the Contractor submitted a revised project schedule presenting a Project Completion date of April 11, 2018. Based on discussion with RVRSA's Infrastructure Committee and attorneys, Kleinfelder prepared a letter to the Contractor dated December 13, 2017 which indicated that the Contractor "shall take all means and measures necessary to comply with the schedule, including acceleration."

Fourth Amendment Request

KILF's fourth amendment request was dated December 7, 2017 and was based on the need to continue providing RPR services through April 11, 2018. The estimated level of effort for the additional RPR services was 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. The resulting amendment request was \$75,800, which RVRSA subsequently approved.

Final Amendment Request

As previously discussed with RVRSA and its Infrastructure Committee, the Contractor was unable to meet the revised completion dated of April 11, 2018 primarily due to an internal communication error that delayed the ordering and procurement of piping materials necessary to complete the bridge piping at Morris Avenue. The delay was then exacerbated by a last minute decision by Morris County to require that the Morris Avenue piping be installed on the opposite side of the bridge. Due to these delays, there was a need to continue providing RPR services beyond the previously anticipated Project Completion date of April 11, 2018.

Regarding status, the Morris Avenue piping was completed, pressure tested and placed into service on June 25, 2018. Since then, KLF has been providing periodic RPR services related to punch list development and related inspection activities. The cost incurred by KLF for RPR services following the previously anticipated Project Completion Date of April 11, 2018 are listed below:

- April 12 – April 29, 2018: \$4,410
- April 30 – May 27, 2018: \$6,812
- May 28 – July 1, 2018: \$16,488
- July 2 – July 8, 2018: \$1,680
- Total Cost \$29,390

It is also noted that as of April 11, 2018, there was \$14,707 remaining in our Contract with RVRSA, which would have been sufficient to complete the remaining non-RPR tasks, including the supplemental loan assistance, the O&M manuals and record drawings. To maintain funding to complete these activities, an amendment in the amount of the RPR costs incurred during the period April 12, 2018 through July 8, 2018 is requested.

In summary, KLF requests that an additional RPR budget in the amount of \$29,390 be authorized to cover the cost of additional RPR services beyond the previously anticipated Project Completion date of April 11, 2018.

July 11, 2018

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

Sincerely,

A handwritten signature in black ink, appearing to be 'T. Bradley', with a stylized flourish at the end.

Timothy D. Bradley, P.E.
Vice President

cc: R. Bocchino
M. Bean
2045U