

**RESOLUTION AUTHORIZING THIRD AMENDMENT TO
KLEINFELDER PROFESSIONAL ENGINEERING SERVICE
CONTRACT FOR DESIGN SERVICES AND CONSTRUCTION/
RESIDENT INSPECTION SERVICES FOR REPLACEMENT OF
CLARIFIER MECHANISMS AND ASSOCIATED MODIFICATIONS –
CONTRACT 40**

WHEREAS, a need exists for the procurement of professional engineering services for construction services and resident inspection services for the replacement of the Rockaway Valley Regional Sewerage Authority (the "RVRSA") Clarifier Mechanisms and associated modifications to the Clarifiers (Contract 40); and

WHEREAS, by Resolution 15-080, adopted September 10, 2015, and Resolution 16-036 dated February 11, 2016 for Design Services and Resolution 16-064 dated June 9, 2016, for Construction Services, the RVRSA authorized Kleinfelder, Inc., having an office at 150 College Road West, Suite 100, Princeton, New Jersey ("Kleinfelder"), to undertake engineering services to design the replacement of the RVRSA Clarifier Mechanisms and associated modifications to the Clarifiers, in an amount not to exceed \$142,230.00 and \$562,100.00 for Construction Services, without prior authorization; and

WHEREAS, by Resolution 16-112, adopted November 10, 2016, the RVRSA authorized Kleinfelder, Inc. to undertake additional design services in the amount of \$9,000.00 and additional construction administration services in the amount of \$5,000.00 the aforementioned additional services in accordance with proposal dated November 4, 2016, from Kleinfelder, Inc; and

WHEREAS, by Resolution 19-047, adopted April 11, 2019, the RVRSA authorized Kleinfelder, Inc. to undertake additional construction services and resident inspection services in the amount of \$198,000.00 the aforementioned additional services in accordance with proposal dated March 29, 2019, from Kleinfelder, Inc.; and

WHEREAS, the RVRSA desires to authorize Kleinfelder, Inc. to undertake additional construction services and resident inspection services delineated in the attached proposal dated August 22, 2019, from Kleinfelder, Inc., attached hereto and made a part hereof, in an additional, not to exceed, amount of \$140,000 for the performance of the aforementioned additional services; 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-40 Clarifier Repairs and Equipment; and

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

1. The Rockaway Valley Regional Sewerage Authority recognizes that Kleinfelder has an established reputation in the field of engineering matters related to the services set forth in the letter proposal attached hereto at Schedule A from Timothy D. Bradley, P.E., Kleinfelder to JoAnn Mondini, Executive Director, RVRSA dated August 22, 2019, and recognizes that they possess specialized abilities and resources to provide the expert engineering services necessary to meet the Authority's needs.
2. 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 services, in a form acceptable to the Executive Director and Counsel, between the Rockaway Valley Regional Sewerage Authority and the firm of Kleinfelder, having an office at 150 College Road West, Suite 100, Princeton, New Jersey, for Professional Engineering Construction and Resident Inspection Services for the Clarifier Mechanism Replacement and Associated Modifications (Contract 40), at a cost not to exceed \$140,000.00, for a new total contract price of \$905,850.00 for Construction and Resident Inspection Services, in accordance with the letter proposal dated August 22, 2019, attached hereto at Schedule A, 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 September 12, 2019.

on motion of: Thomas Andes

second by: Glen Corbett

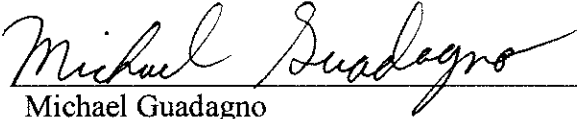
ROLL CALL VOTE:

YEAS: (9) Andes, Cegelka, Corbett, Guadagno, Isselin, Lowell, Rossi, Schorno, Zuppa

NAYS: (0) None

ABSTAIN: (1) Recchia

ABSENT: (0)



Michael Guadagno
Board Secretary

Schedule A



August 22, 2019

VIA EMAIL

JoAnn Mondini
Executive Director
Rockaway Valley Regional SA
RD #1, 99 Green Bank Road
Boonton, NJ 07005

**RE: FINAL CLARIFIERS REPAIR PROJECT, CONTRACT 40
CONSTRUCTION PHASE ENGINEERING AND RESIDENT PROJECT REPRESENTATIVE SERVICES
SECOND AMENDMENT REQUEST**

Dear Ms. Mondini:

The purpose of this letter is to request a second Amendment to Kleinfelder's (KLF's) authorized budget for Construction Phase Engineering and Resident Project Representative (RPR) Services for Contract 40. The basis for this request is that the Contractor did not achieve contract completion by the date that was the basis for the first amendment request, thus requiring the need for additional RPR services. KLF is not requesting a budget increase for any other task. For reference, our original authorized budget is presented in the following table.

Original Budget

Task	Description	Cost
1	Bidding and Award Assistance	\$28,200
2	Preparation of Conformed Documents	\$8,840
3	Resident Project Representative Services	\$327,600
4	Meetings and Site Visits	\$22,800
5	Submittal Review and Processing	\$72,080
6	Requests for Information	\$18,240
7	Change Order Assistance	\$19,720
8	Testing and Startup Assistance	\$4,390
9	Record Drawings	\$13,290
10	Maintenance Period Support	\$4,570
11	Project Administration	\$47,370
	Total	\$567,100

Need for Second RPR Budget Increase

By letter dated March 29, 2019, KLF requested and RVRSA subsequently approved the first budget amendment in the amount of \$198,750 to continue providing RPR services through the end of August 2019. At that time, the Contractor's then current schedule indicated a completion date in July of 2019, but because some schedule slippage was already evident, it was assumed that RPR services would be required through the end of August 2019. The current budget based on the previously approved Amendment is presented in the following table.

Current Budget

Task	Description	Cost
1	Bidding and Award Assistance	\$28,200
2	Preparation of Conformed Documents	\$8,840
3	Resident Project Representative Services	\$526,350
4	Meetings and Site Visits	\$22,800
5	Submittal Review and Processing	\$72,080
6	Requests for Information	\$18,240
7	Change Order Assistance	\$19,720
8	Testing and Startup Assistance	\$4,390
9	Record Drawings	\$13,290
10	Maintenance Period Support	\$4,570
11	Project Administration	\$47,370
	Total	\$765,850

Despite significant efforts by KLF and RVRSA to require the Contractor to accelerate construction, it now appears that construction will not be complete until the end of January 2020, which is approximately seven (7) months beyond the contract completion date of June 6, 2019. Therefore, it is estimated that RPR services will need to continue for five (5) months beyond the end of August 2019, which had been assumed for the previous Amendment.

As previously described in the Amendment Request dated March 29, 2019, the weekly cost of RPR services is \$7,000, based on Mark Bean providing RPR services two (2) days per week and Joe Schwarz providing RPR services three (3) days per week. At a weekly cost of \$7,000, the total cost for the five (5) month period of September 2019 through January 2020 is \$140,000.

It is noted that RVRSA has been withholding the cost of RPR services from the Contractor's monthly payment requests, and it is anticipated that this practice will continue through contract completion.

Amendment Request

Based on the above, KLF requests that our current budget of \$765,850 be amended by \$140,000 to \$905,850 to continue providing RPR services through the end of January 2020.

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

Sincerely,

Timothy D. Bradley, P.E.
Vice President

cc: Bob Bocchino
2045Z