

**RESOLUTION AUTHORIZING FOURTH 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 \$198,750.00 the aforementioned additional services in accordance with proposal dated March 29, 2019, from Kleinfelder, Inc.; and

WHEREAS, by Resolution 19-082, adopted September 12, 2019, the RVRSA authorized Kleinfelder, Inc. to undertake additional construction services and resident inspection services in the amount of \$140,000.00 the aforementioned additional services in accordance with proposal dated August 22, 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 February 5, 2020, from Kleinfelder, Inc., attached hereto and made a part hereof, in an additional, not to exceed, amount of \$96,400 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 Mondsini, Executive Director, RVRSA dated February 5, 2020, 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 \$96,400.00, for a new total contract price of \$1,153,480.00 for Construction and Resident Inspection Services, in accordance with the letter proposal dated February 5, 2020, 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 February 13, 2020.

on motion of: Thomas Andes

second by: Michael Guadagno


ROLL CALL VOTE:

YEAS: (8) Andes, Cegelka, Guadagno, Isselin, Farrell, Recchia, Rossi, Schorno

NAYS: (0)

ABSTAIN: (0)

ABSENT: (2) Corbett, Zuppa



Michael Guadagno
Board Secretary

Schedule A



February 5, 2020

VIA EMAIL

JoAnn Mondsini
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
THIRD AMENDMENT REQUEST**

Dear Ms. Mondsini:

The purpose of this letter is to request a third 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: (1) the Contractor did not achieve contract completion by the end of January 2020 which was the basis for the second amendment request, thus requiring the need for additional RPR services; and (2) the unanticipated development of a final clarifier equipment issue requiring significant additional unbudgeted effort by KLF. For reference, our original 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

The original budget was based on the contract completion date of June 6, 2019.

Our current amended budget resulting from RVRSA's prior approval of Amendment No. 1 and Amendment Number 2 is presented in the table on the following page.

Both amendments were for additional RPR services. Our current amended budget

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JoAnn Mondsin

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Current Amended Budget

Task	Description	Cost
1	Bidding and Award Assistance	\$28,200
2	Preparation of Conformed Documents	\$8,840
3	Resident Project Representative Services	\$666,350
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	\$905,850

Despite significant efforts by KLF and RVRSA to require the Contractor to accelerate construction, and the fact that RVRSA has been withholding the monthly cost of KLF's RPR services from the Contractor's monthly payment requests, it now appears that construction may not be complete until the end of April 2020.

While the Contractor has recently prepared an updated schedule showing completion near the end of February, KLF does not believe this will be achievable, particularly considering the recent development of a final clarifier equipment issue which still need a final resolution. Therefore, we recommend that the budget be increased to extend RPR services through the end of April 2020.

It is also recommended that the RVRSA practice of withholding the cost of RPR services from the Contractor's monthly payment requests be continued through final completion.

The weekly cost of RPR services is \$6,500 based on Alphonse Sessa providing these services five (5) days per week. At a weekly cost of \$6,500, the total cost for the three (3) month period of February 2020 through April 2020 is \$78,000.

In addition, approximately \$8,400 in non-RPR unanticipated costs have been incurred to date related to the final clarifier equipment issue. It is recommended that an additional budget of \$10,000 be established for ongoing support related to achieving a final resolution of the equipment issue. Therefore, the total cost related to the unanticipated equipment issue is estimated to be \$18,400.

Amendment Request

Based on the above, KLF requests that our current budget of \$905,850 be amended by \$96,400 to continue providing RPR services through the end of April 2020 and to continue providing support to fully resolve the unanticipated and unbudgeted final clarifier equipment issue.

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

Sincerely,



cc: Bob Bocchino Colin Ferguson Alphonse Sessa 2045Z

Timothy D. Bradley, P.E. Vice President

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