

## **RESOLUTION 21-045**

### **RESOLUTION AUTHORIZING 5TH AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL ENGINEER SERVICES FOR CONTRACT 35 REBID II**

**WHEREAS**, pursuant to Resolution 10-063, the Rockaway Valley Regional Sewerage Authority ("RVRSA") entered into a public contract with Insituform Technologies, Inc. (d/b/a Insituform Technologies, LLC and hereinafter referred to as "Insituform") entitled Interceptor Sewer Rehabilitation Project 2009, Contract No. 35 - Rebid, State EIT Project No. S340756-02, for the rehabilitation of its trunk line; and

**WHEREAS**, during the course of the work, certain issues arose regarding the lining of the interceptor under Washington Street in the Town of Boonton, and that work was not performed by Insituform consistent with a Settlement Agreement executed on July 11, 2013, and its attached Contract Modification CM-1; and

**WHEREAS**, by Resolution 17-049 adopted on March 9, 2017, RVRSA engaged the services of a professional engineer for design Services, that includes bidding specifications, permitting assistance, and NJEIT assistance in the amount of \$84,000; and Construction Phase Engineering Services in the amount of \$80,000, to Mott MacDonald with offices located at 111 Wood Avenue South, Iselin, New Jersey 08830, for a total contract amount not to exceed \$164,000.00 without further authorization; and

**WHEREAS**, by Resolution 18-054 adopted on May 10, 2018, RVRSA approved an amendment to the contract for additional professional engineering work needed related to the new siphon outlet chamber final gate configuration to address the scope change from slide gates to sluice gates with at grade operators, rehabilitation of manholes and design services for sewer lining at Meter Station B, as well as, other scope of work changes requested by RVRSA and Pocket Park Restoration requested by the Town of Boonton. Pursuant to the Request for Additional Professional Engineering Services, dated April 26, 2018 from Nancy C. Wohlleb, P.E., C.M.E. and Peter E. Kocsik, P.E., Mott MacDonald, to Robert Bocchino, P.E., CME, RVRSA, attached hereto and made a part hereof, an additional amount of \$36,400 for design services, and an additional amount of \$10,000 for construction phase services for a total new project amount of \$210,400; and

**WHEREAS**, by Resolution 19-037 adopted on March 14, 2019, RVRSA approved a further amendment to the contract for additional professional engineering work needed for additional soil tests to be performed within the proposed construction area within Pocket Park in the Town of Boonton, to identify and quantify contaminated soil that may be on site. Pursuant to the Request for Additional Professional Engineering Services, dated February 15, 2019 from Nancy C. Wohlleb, P.E., C.M.E., Mott MacDonald, to Robert Bocchino, P.E., CME, RVRSA, attached hereto and made a part hereof, an additional amount of \$6,500 for Environmental Soil Sampling services for this project, for a total new project amount of \$216,900; and

**WHEREAS**, by Resolution 19-094 adopted on October 10, 2019, RVRSA approved a further amendment to the contract for additional professional engineering work needed for unforeseen effort on the part of Mott MacDonald to satisfy both NJDEP – Green Acres and the Town of Boonton related to the restoration of Pocket Park and to provide hard-copy printing for bidding by RVRSA. Pursuant to the Request for Additional Professional Engineering Services, dated August 23, 2019 from Nancy C. Wohlleb, P.E., C.M.E., of Mott MacDonald to Robert Bocchino, P.E., CME, RVRSA, attached hereto and made a part hereof, an additional amount of \$49,780.00 for additional design and bidding services, for a total new project amount of \$266,680; and

**WHEREAS**, by Resolution 20-085 adopted on October 9, 2020 and amended and ratified by Resolution 20-094 adopted on November 12, 2020, additional professional engineering work was needed for Project Management – COVID-19 in the amount of \$15,500.00; Shop Drawing Submittal Review in the amount of \$35,650.00; Bypass Plan Changes in the amount of \$28,000.00 for cost associated with the bypass pumping plan option, Change Orders in the amount of \$4,500.00 for cost of known change orders to the project, Additional Field Meetings in the amount of \$5,120.00 for attendance to meeting which were not included or anticipated in the original scope of work, and Prevailing Fee Adjustment in the amount of \$7,230.00 to cover the change associated with the prevailing fee schedule. Pursuant to the Request for Additional Professional Engineering Services, dated September 4, 2020 from Peter E. Kocsik, P.E., Senior Vice-President, to Robert Bocchino, P.E., CME, RVRSA, attached hereto and made a part hereof, an additional amount of \$96,000.00 for construction phase services for a total new project amount of \$362,680; and

**WHEREAS**, additional professional engineering work is needed for (1) Administrative Services/Review of Change Orders and Delay Claims in the amount of \$36,625, (2) Review of Bypass Pumps and Pumping Issues in the amount of \$18,000, and (3) Preparation of Final Pay estimate and release of retainage and mediation preparation in the amount of \$20,000. Pursuant to the Request for Additional Professional Engineering Services, dated March 3, 2021 from Peter E. Kocsik, P.E., Senior Vice-President, to Robert Bocchino, P.E., CME, RVRSA, attached hereto and made a part hereof, an additional amount of \$74,625.00 for a new total project amount of \$437,305.00; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i)) exempts the award of contracts for professional services from the requirements of public advertisement and bidding; and

**WHEREAS**, funds are available at EIT-035.

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

1. JoAnn Mondsini, Executive Director is authorized to execute this 5th amendment to the agreement with Mott MacDonald, with offices located at 111 Wood Avenue South, Iselin, N.J. in an additional amount of \$74,625.00 for CSRI services, for a total new project amount not to exceed \$437,305.00 without further authorization, as set forth in the attached proposal from Mott MacDonald dated March 3, 2021.

2. The Executive Director, staff and consultants are authorized to take all appropriate actions to effectuate this Resolution.
3. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1) (a) (i) of the Local Public Contracts Law because the service is of such a nature that it requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of study in engineering instruction as distinguished from general academic instruction or apprenticeship and training.

### CERTIFICATION

I hereby certify that this Resolution was adopted at a regularly scheduled meeting of the Rockaway Valley Regional Sewerage Authority held on March 11, 2021.

On motion of Commissioner Schorno

Seconded by Commissioner Corbett


And a Roll Call Vote as Follows:

Yeas: (7) Cegelka, Farrell, Howarth, Isselin, Recchia, Schorno, Zuppa

Nays: (1) Corbett

Abstain: (0)

Absent: (2) Andes, Guadagno

  
Michael Guadagno  
Board Secretary