

Resolution 24-039

**RESOLUTION AUTHORIZING 6th AMENDMENT OF CONTRACT TO
MOTT-MACDONALD TO PROVIDE CONSTRUCTION PHASE
ENGINEERING AND RESIDENT PROJECT REPRESENTATIVE (RPR)
SERVICES FOR THE FILTRATION AND PHOSPHORUS REMOVAL
FACILITIES PROJECT**

WHEREAS, by Resolution 19-081, adopted on September 12, 2019, RVRSA authorized a contract with the firm of Mott MacDonald, 111 Wood Avenue South, Iselin, New Jersey, to provide construction phase engineering and resident project representative (RPR) Services for the Filtration and Phosphorus Removal Facilities Project (Contract 41) in the not to exceed amount of \$705,950.00; and

WHEREAS, by Resolution 21-058, adopted April 8, 2021, the RVRSA authorized a contract amendment to amend Resolution 19-081 to include the corrected total contract amount of \$696,050.00 and authorized Mott MacDonald to undertake additional Bid Phase Engineering Services, including additional printing services and modifications to Electrical Plan sheets, in an amount not to exceed \$34,000.00, for a new total contract amount of \$730,050.00; and

WHEREAS, by Resolution 22-057, adopted May 12, 2022, the RVRSA authorized a contract amendment for additional costs associated with Bid Phase Task 1 - RPR Services, Task 2 – Submittal Review, Task 3 – RFI's, Task 5 – Change Orders, Task 6 – Project Administration, Task 9 – Printing and Mileage Expenses, in the amount of \$372,000.00 for a new total contract amount of \$1,102,050.00; and

WHEREAS, by Resolution 23-035, adopted February 9, 2023, the RVRSA authorized a contract amendment for additional costs associated with Task 2 – RPR Services, Task 3 – Meetings, Task 4 – Submittal Review, Task 5 – RFI's, Task 6 – Change Orders, Task 9 – Project Administration, Mileage Expenses, in the amount of \$226,500.00 for a new total contract amount of \$1,328,550.00; and

WHEREAS, by Resolution 23-065, adopted June 8, 2023, the RVRSA authorized a contract amendment for additional costs for Preparation of NJDEP Chemical Discharge Prevention, Containment & Countermeasure (DPCC) Plan for the Wastewater Treatment Plant, in the amount of \$33,000.00 for a new total contract amount of \$1,361,550.00; and

WHEREAS, by Resolution 23-092, adopted September 14, 2023, RVRSA authorized contract amendment for additional costs for additional services as set forth in proposal, titled Rockaway Valley Regional Sewerage Authority Phosphorus Removal and Filtration Facilities (Contract 41) Update on Budget Status/Request for Modification Bid Phase/Construction Phase Services, in the amount of \$62,000.00 for a new Contract total amount of \$1,423,550.00; and

WHEREAS, the RVRSA has received a proposal dated March 8, 2024 from Peter E.

Kocsik, P.E., Senior Vice President, Mott MacDonald, entitled *Rockaway Valley Regional Sewerage Authority Phosphorus Removal and Filtration Facilities (Contract 41) Budget Amendment Request Mediation Services*, requesting an increased budget of \$16,250.00; and

WHEREAS, the RVRSA desires to authorize Mott-MacDonald to undertake the additional services as set forth in the attached proposal for the same, dated March 8, 2024, in an amount not to exceed \$16,250.00 without prior authorization, for a new total contract amount of \$1,439,800.00; 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; and

WHEREAS, funds are available for these purposes at line item 01-EIT-41 Filtration and Phosphorus Removal Facilities Project.

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

1. The Rockaway Valley Regional Sewerage Authority recognizes that Mott-MacDonald has an established reputation in the field of engineering matters related to the services set forth in the letter proposals on file at the offices of the Rockaway Valley Regional Sewerage Authority 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 a contract amendment for professional services, in a form acceptable to the Executive Director and Counsel, between the Rockaway Valley Regional Sewerage Authority and the firm of Mott-MacDonald, having an office at 111 Wood Avenue South, Iselin, New Jersey, for Professional Bid Phase and Construction Phase Engineering and Resident Project Representation Services for Contract 41 – Filtration and Phosphorus Removal Facilities Project, at a cost not to exceed \$1,439,800.00 without further authorization, to be calculated on a time charged plus expense basis, in accordance with the letter proposal dated March 8, 2024, attached hereto at Schedule A, and conditioned upon the submission by Mott-MacDonald 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.
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 March 14, 2024.

On motion of Commissioner Andes

Second by Commissioner Cegelka

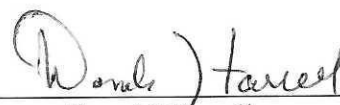
And a Roll Call Vote as Follows:

Yeas: (10) Andes, Cegelka, Corbett, Farrell, Howarth, Isselin, Laverty, Potter, Schorno, and Zuppa.

Nays: (0) None

Abstain: (0) None

Absent: (0) None



Donald Farrell
Board Secretary



Mr. Robert Bocchino, PE, CME
Manager of Engineering
Rockaway Valley Regional Sewerage Authority
RD #1
99 Greenbank Road
Boonton, NJ 07005-7118

Your Reference
Contract No. 41

Our Reference
MM#507101039

https://mottmac.sharepoint.com/w/r/teams/pj-d7174/Construction%20Services/Communication/Client/Request%20for%20Budgetary%20Increase%20for%20Mediation%20Costs/Bocchino_Contract%2041%20Budget%20Amendment%20for%20Mediation_3-8-2024.docx?d=w79f828dbe3a2430a9a5c9437304a77fc&csf=1&web=1&e=F6JKiZ

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**Rockaway Valley Regional Sewerage Authority
Phosphorus Removal and Filtration Facilities (Contract 41)
Budget Amendment Request
Mediation Services**

March 8, 2024

Mr. Bocchino:

In accordance with the Authority's request, Mott MacDonald is pleased to provide herein our budget amendment request for performing out-of-scope services related to the detailed review of a 'time impact analysis', and the delay claims presented therein, that was recently submitted by Contractor for the above referenced project. This budget amendment also includes costs for the preparation of and participation in one (1) day of formal mediation with the Contractor, which is being coordinated and scheduled by the Authority's legal counsel.

Scope of Work

Mott MacDonald proposes to perform the following scope of work to assist the Authority with review of the time impact analysis / delay claims and preparation for and attendance of a one-day formal mediation conference:

Task 1 – Review of Time Impact Analysis / Delay Claims

Under this task, Mott MacDonald will review the Time Impact Analysis document, and the delay claims included therein, which has been prepared by Avila Consultants, LLC, and submitted by Coppola Services, via email, on 3/1/2024. Mott MacDonald will review and provide an interpretation for each of the eight (8) separate delays claims listed in the time impact analysis, which will be based upon a review of our records for the construction phase of this project. For budgetary purposes we have included a total of 56 hours under this task, which also includes time for meetings and coordination with RVRSA and the Authority's attorney in preparation for the mediation, as detailed in the table provided below.

Task 2 – Participation in Formal Mediation

Under this task, Mott MacDonald will participate in one (1) day of formal mediation with the Contractor. For budgetary purposes we have included a total of 16 hours (1-8-hour day each for two (2) Mott MacDonald employees) under this task for participation in the formal mediation, as detailed in the table provided below.



For the above-noted services, we are prepared to proceed immediately for a reimbursable fee not to exceed \$16,250. Mott MacDonald will make every effort to work within the proposed budget to the best of our abilities and will advise the RVRSA if the need arises for additional budget to complete the work that is covered under the above Tasks #1 & #2.

We propose to proceed on a reimbursable basis based upon our current RVRSA 2024 rate table (see attached). Invoices will only be for hours and expenses actually incurred by Mott MacDonald. Our budgetary fee estimate assumes the following:

Tasks	2024 RVRSA Rate	Peter Kocsik	Christopher Wohlleb
Task 1- Review of Time Impact Analysis / Delay Claims			
Review of TIA / Delay Claims		4	36
Meetings and Coordination		8	8
Task 2 - Participation in Formal Mediation			
Participate in Formal Mediation		8	8
Total Hours	72	20	52
Total Labor Cost	\$16,121	\$5,800	\$10,321
Expenses	\$100		
Total Cost	\$16,221		
Say	\$16,250		

We trust that this budget amendment request will be acceptable. We are available to discuss the above at your convenience. Please don't hesitate to contact us with any questions.

Thank you for considering this request and for the opportunity to continue to assist the RVRSA on this project.

Very truly yours,

Mott MacDonald

Peter E. Kocsik, P.E.
Senior Vice-President
T 1 (973) 912 2549
peter.kocsik@mottmac.com

cc: JoAnn Mondsini (RVRSA)
Christopher Wohlleb (MMD)



2024 Hourly Rate Table

Principals / Principal Project Managers / Principal Engineers.....	\$219.00 to \$290.00
Sr. Project Engineer / Sr. Project Manager /	
Sr. Project Geologist / Sr. Project Scientist	\$173.00 to \$275.00
Sr. Specialist V / Sr. Designer V	\$152.00 to \$213.00
Sr. Inspector IV/V / Sr. Surveyor IV/V	\$135.00 to \$219.00
Project Engineer / Engineer IV / Project Architect / Architect IV /	
Project Manager	\$152.00 to \$241.00
Project Geologist / Geologist IV / Project Scientist / Scientist IV.	\$ 124.00 to \$193.00
Engineer II/III / Architect II/III.	\$118.00 to \$197.00
Specialist III/IV / Designer III/IV.....	\$ 96.00 to \$171.00
Scientist II/III / Geologist II/III.....	\$ 86.00 to \$140.00
Engineer I / Architect I	\$ 89.00 to \$135.00
Scientist I / Geologist I.....	\$ 79.00 to \$103.00
Inspector III / Surveyor III / Specialist I/II	\$ 84.00 to \$134.00
Assistant Surveyor I/II / Assistant Inspector I/II	\$ 89.00 to \$103.00
Technicians	\$ 72.00 to \$ 99.00
Administration / Project Support	\$ 74.00 to \$137.00

* Hourly rates for special consultations and services in conjunction with litigation are available on request.

EXPENSES

Personal Auto / Company Auto	\$0.655 ¹ / mile
Company Vans / Company Pick-Up.....	\$0.655 ¹ / mile
Photocopies & Offset Reproduction	Variable
UPS / Federal Express /Postage /Messenger Service.....	Variable
Subcontractors (including Contract Laboratory).....	Direct + 15%
Mobile Devices	Variable
Field Equipment.....	Variable
Travel / Lodging Per Diem.....	As Incurred

¹per IRS standard mileage rate (rate as of January 1, 2023 is shown – subject to change)

Invoices are payable within 30 days of invoice date.
 Delinquent bills are subject to finance charges of 1.5% per month.
 The client shall pay attorney fees, court costs, and related expenses incurred in the collection of delinquent accounts.

