

RESOLUTION NO. 2017- 442

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AND THE CITY OF VINELAND WITH RESPECT TO LANDIS AVENUE, PHASE 4 (ORCHARD ROAD TO MOYER STREET).

WHEREAS, the New Jersey Department of Transportation has submitted to the City of Vineland a cost reimbursement agreement for an additional construction item with respect to Landis Avenue, Phase 4 (Orchard Road to Moyer Street), under Federal Project No. STP-SJ-0056 (167), copy of which is attached; and

WHEREAS, reimbursement to the City for total costs incurred under this agreement shall not exceed \$869,465.00; and

WHEREAS, said Agreement has been reviewed by the governing body and is considered to be in the best interest of the City of Vineland; now, therefore,

BE IT RESOLVED by the City Council of the City of Vineland, as follows:

1. THAT the Mayor and City Clerk are hereby authorized to execute the agreement between the New Jersey Department of Transportation and the City of Vineland with respect to Landis Avenue, Phase 4 (Orchard Road to Moyer Street), under Federal Project No. STP-SJ-0056 (167).
2. THAT the City Engineer is designated as the City's representative responsible for project direction and management of said agreement.

Adopted:

President of Council

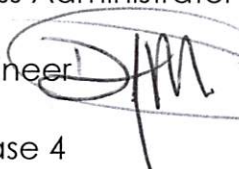
ATTEST:

City Clerk

October 4, 2017



MEMORANDUM TO: Robert Dickenson, Assistant Business Administrator

FROM: David J. Maillet, P.E., Principal Engineer 


RE: Resurfacing of Landis Avenue, Phase 4
(Orchard Road to Moyer Street)
Federal Project No. STP-SJ-0056 (167)
Agreement No. 17-DT-BLA-761
City Eng. File No.: 17-020

The Federal Highway Administration authorized funding in the amount of \$869,465.00 for the above local lead project (see attached award letter). Enclosed is a copy of the Federal Aid agreement that requires a resolution authorizing execution.

As indicated in the award letter, our department requires four (4) originals of the agreement (pages 13, 16 & 20 of the agreement need to be signed **in blue ink**, and sealed, where required) and four (4) certified copies of the authorizing resolution for submission to NJDOT also signed **in blue ink**. Please note that the date on the first page is not required to be entered at this time.

Should you have any questions or comments feel free to contact this office.

Cc: Susan Baldosaro, CFO


Moyer to sign!





State of New Jersey

DEPARTMENT OF TRANSPORTATION
One Executive Campus
Route 70
Cherry Hill, New Jersey 08002

CHRIS CHRISTIE
Governor

RICHARD T. HAMMER
Commissioner

KIM GUADAGNO
Lt. Governor

October 2, 2017

Brian Myers, P.E.
City Engineer, Vineland City
Department of Engineering
640 E. Wood Street
Vineland, NJ 08362-1508

Re.: LETTER OF AUTHORIZATION
Landis Avenue, Phase IV (CON)
Location: Orchard Road (CR 628) to Moyer Street
City of Vineland, Cumberland County
Federal Project No. STP-SJ-0056(167)
NJDOT Job No. 6014421
FAP-2017-Vineland City-02559

Dear Mr. Myers:

The USDOT - Federal Highway Administration has issued a federal authorization for the above captioned Federal Aid project in the City of Vineland, Cumberland County. This federal authorization is subject to their conditions as stated in attached Federal-Aid Project Agreement approved and authorized by FHWA on 9/14/2017.

Please note that the following reflects the amount authorized by FHWA based on cost estimate(s) provided by Vineland City. The amount(s) stated in attached federal authorization document may be different due to other costs involved with this project:

Table with 3 columns: Description, Federally Participating, Federally Non-participating. Rows include Construction Costs, Consultant - Construction Engineering/Inspection (CE/I) Costs, Vineland City's Force Account (CE/I) Costs, Material Testing Costs, and Total Amount.

Requirements for this project include, but are not limited to, the following:

Local Public Agency Eligibility:

Vineland City is required to maintain its Local Public Agency Eligibility Certification current and valid during the term of this project agreement in accordance with the requirements of NJDOT Division of Local Aid and Economic Development Policy/Procedure No. 010.00 dated October 1, 2012.

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Step 1: Project Agreement

IMPORTANT: FHWA requirements (<http://www.fhwa.dot.gov/federal-aidessentials/companionresources/45projreq.pdf>) state that the subaward (Project Agreement) agreement is contingent on the project agreement between the State DOT and FHWA. *The subaward agreement makes Federal-aid available to the LPA, but any costs incurred prior to a subaward agreement are ineligible for reimbursement. Both the agreements between FHWA and NJDOT and the agreement between NJDOT and LPA must be in place in order for costs to be eligible. Costs incurred prior to execution of both agreements would be ineligible.*

- Considering the above, Vineland City is encouraged to return signed copies of the agreement as soon as possible but no later than 45 calendar days from the FHWA Authorization Date (as noted on page 1 of this letter).
- Return four (4) original signed (preferably in blue ink) and sealed copies of the agreement to the Department with following items:
 - Signed/sealed Resolutions (authorizing the Officials to sign the agreement – it is not necessary to write \$ amount)
 - Scope of Work (a brief description of the project)
 - Cost estimate – as submitted for authorization purposes.
- Please enter name/titles of officials in the agreement, where required.
- DO NOT enter the date on page 1. The Department will write this date upon execution of agreement.

Step 2: Advertisement of Contract

- Advertisement shall commence within 60 days from the date of the Department's letter of authorization.
- Advertisement is required to take place once a week for three (3) consecutive weeks in a minimum of two (2) legal newspapers one of which is a regional newspaper and they must be identified to this office. Any deviation from this requirement must be approved by this Office.
- Vineland City must submit copies of all advertisements to the Department of Transportation.
- Vineland City must include applicable Civil Rights Requirements in advertisement as follows:
 - The Disadvantaged Business Enterprise (DBE) goal is 7%.
 - The number of Training Positions and Trainee hours are being processed by Civil Rights and will be provided as soon as it becomes available
- Wage Rates Requirements:
 - "Wage Rates must be downloaded and inserted into the project contract documents not more than ten, (10), days prior to advertisement. General wage determinations issued under Davis-Bacon and related acts, published by US Department of Labor, may be obtained from the Davis-Bacon web site at <http://www.wdol.gov/dba.aspx#0> under the appropriate county, select the construction type heading: eg. HIGHWAY.
 - Pay the prevailing wage rates determined by the United States Secretary of Labor and the New Jersey Department of Labor. If the prevailing wage rate prescribed for any craft by the United States Secretary of Labor is not the same as the prevailing wage rate prescribed for that craft by the New Jersey Department of Labor, pay the higher rate. State wage rates may be obtained from the New Jersey Department of Labor & Workforce Development (Telephone: 609-292-2259) or by accessing the Department of Labor & Workforce Development's web site at http://lwd.dol.state.nj.us/labor/wagehour/wagehour_index.html.
 - The State wage rates in effect at the time of award are part of this Contract, pursuant to Chapter 150, Laws of 1963 (NJSA 34:11-56.25, et seq.).
- Bids may be accepted up to 10 days following the last date of advertisement.

Step 3: Civil Rights Requirements (DBE/ESBE Goals)

The Bidder shall ensure that DBE/ESBEs have an equal opportunity to receive and participate in the performance of contracts and subcontracts in Federal aid projects with the Department. The Bidder shall take all necessary and reasonable steps in accordance with 49 CFR, Part 26 to ensure that DBE/ESBEs are given equal opportunity to compete for and to perform on the Department's Federal aid projects. The Bidder shall demonstrate commitment of meeting the Contract DBE/ESBE goal that is specified in the Contract.

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Considering these requirements, please note that the following is expected from Vineland City:

A bidder is required to submit to NJDOT Division of Civil Rights & Affirmative Action (DCR/AA) at time of Bid, or within 5 days after bid opening as a matter of responsibility:

- (i) a completed and signed Form CR-266 – Schedule of DBE Participation for each DBE firm being used to meet the Contract goal [Forms can be downloaded from <http://www.state.nj.us/transportation/business/civilrights/forms.shtml>]. Revisions to the CR-266 will not be accepted after its initial submission and before award of the Contract.
- (ii) a completed and signed Verification of DBE Firm (Form CR-273) for each firm listed on the CR-266 to demonstrate direct written confirmation from each DBE firm of willingness to participate on the Contract, confirming the kind and amount of work that was provided on the Contractor's CR-266, and, if applicable,
- (iii) a completed and signed DBE Regular Dealer/Supplier Verification (Form CR-272) for all Regular Dealers/Suppliers listed on the CR-266 form, and, if applicable,
- (iv) a completed and signed DBE Trucking Verification (Form CR-274) for all DBE trucking firms listed on the CR-266.

Firms listed on the CR-266 will not be counted toward the Contract DBE goal unless completed and signed CR-273 form(s), and applicable CR-272 and CR-274 form(s) are submitted to the DCR/AA within the 5 days after bid opening. The CR-273, CR-272, and CR-274 forms must be completed and signed by each respective DBE firm.

It is the Vineland City's responsibility that these forms are submitted through a designated email - DOT-CR.Verifications@dot.nj.gov. Please provide a copy of your this email and documentation to Local Aid office.

If, at time of Submission, the commitment to meet the Contract DBE goal is not shown on the CR-266, the Bidder must submit at time of Bid, or within 5 days after bid opening, documented evidence of good faith effort(s) [For Good Faith Effort see Federal aid Project Attachment 1 included in Specifications] to attain the Contract DBE goal, for review and approval by the DCR/AA. Submittal of such information does not imply DCR/AA approval. The Department's DCR/AA has sole authority to determine whether the Bidder met the Contract DBE goal or made adequate good faith efforts to do so.

It is strongly recommended that Vineland City not proceed with award a contract until after notification of approval of CR-266 by DCR/AA.

Step 4: Award of Contract

- Vineland City must award a construction contract no later than 4 months of the date of letter of authorization. Failure to award within 4 months of this letter of authorization will result in withdrawal of FHWA funding authorization of this project.
- Upon award of construction contract, Vineland City must submit:
 - Approved copies of CR-266 (DBE/ESBE)
 - Copies of bid advertisements/Proof of publication
 - Completed/Signed Checklist for the Award of a Federal Aid Construction Contract
 - Certified copies of the bid summary
 - Resolution of award
 - Completed copies of Federal attachments (which are part of bid specifications)
 - Verification that the bidder is not on the debarred list and include the bidder's DUNS number
 - Bid analysis prepared in accordance with the FHWA's Guidelines on Preparing Engineer's Estimate, Bid Reviews and Evaluation, dated January 20, 2004 {Formerly T5080.4}. See FHWA's website at: <http://www.fhwa.dot.gov/programadmin/contracts/ta508046.pdf>.

Step 5: Project Billing

- The Vineland City must submit a request for reimbursement to the Department in accordance with article 6.2 of attached Federal Aid Agreement No. 17-DT-BLA-761
- Initial billings shall be issued no later than 3 months after award of construction concurrence by NJDOT.

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- Subsequent billings shall be made, as per the federal aid agreement, no later than 3 months after initial billing and at least every 3 months thereafter. Failure to comply with the billing requirements may result in the restriction of authorization of future FHWA funding until such time progress on the submission of timely billings has been demonstrated.
- Vineland City failure to submit an invoice within the durations described in 23 CFR 630.106 will place on FHWA's "List of Inactive Projects". This may lead to de-obligation of funds authorized by FHWA.

Step 6: Final Inspection and Closeout

- LPA's receiving federal-aid funds are responsible for administering their projects and meeting all federal-aid requirements. The NJDOT, through its Stewardship Agreement with FHWA, is responsible for ensuring that each LPA receiving FHWA funds is adequately staffed and suitably equipped to undertake the federal-aid projects; to provide the supervision and inspection required to complete each project in conformance with the approved plans and specifications; and to ensure that all federal requirements are met.
- Requests for final inspection and acceptance to NJDOT shall be made by Vineland City no later than 30 days following Substantial Completion of construction.
- Final invoice and project close-out documents shall be submitted by Vineland City to NJDOT within 6 months of receipt of acceptance by NJDOT.

It is the NJDOT's desire to make the process of funding and oversight as reasonable as possible and at the same time satisfy FHWA requirements. Vineland City's cooperation will greatly facilitate this effort and assist in future funding.

Should you have any questions regarding the above, please contact Alka Shah at (856) 486-6710.

Sincerely,



Salim T. Mikhael
Manager
District 4 Local Aid

Enclosures

Copy via email (only): David Maillet, Vineland City
Hui, Kwan khui@dvrpc.org (DVRPC)
Jennifer Marandino jmarandino@sjtpo.org (SJTPO)

Ref# 2570