

RESOLUTION NO. 2018-4

A RESOLUTION AUTHORIZING THE ISSUANCE OF AMENDATORY SUPPLEMENTAL CHANGE ORDER NO. 2, TO CONTRACT NO. C16-0033, ISSUED TO MOUNT CONSTRUCTION CO, INC., BERLIN, NJ, IN THE AMOUNT OF \$78,179.58.

WHEREAS, the City Council of the City of Vineland, on March 8, 2016, adopted Resolution No. 2016-79, entitled "A RESOLUTION AWARDDING A CONTRACT TO MOUNT CONSTRUCTION CO., INC., BERLIN, NJ FOR THE COMPLETION OF BLACKWATER BRANCH CULVERT REPLACEMENT, IN THE AMOUNT OF \$481,606.00"; and

WHEREAS, N.J.A.C. 5:30-11.9 sets forth the procedures for processing change orders which exceed the 20 percent limitation; and

WHEREAS, the City Engineer has requested that an amendment be made to contract awarded to Mount Construction Co., Inc., Berlin, NJ for the Completion of Blackwater Branch Culvert Replacement, as authorized by Resolution No. 2016-79; and

WHEREAS, at the time of excavation, the unearthed material showed signs of contamination and testing proved the excavation as regulated material; as per the project specifications, disposal of unused regulated material would require a change order to dispose of at a qualified facility; and

WHEREAS, said amendment is necessary to provide for disposal of the regulated material and for the balance of project quantities; and

WHEREAS, the City of Vineland desires to comply with said requirements of N.J.A.C. 5:30-11.9, and to that end herewith files with the governing body a report stating the facts involved and indicating that said change order may be allowed under these regulations; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for the amendatory supplemental change order for which authorization is requested in the amount of \$78,179.58;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Vineland that said amendatory supplemental change order #2 to Contract No. C16-0033, issued to Mount Construction Co., Inc., Berlin, NJ, in the amount of \$78,179.58, be and the same is hereby ratified and approved.

BE IT FURTHER RESOLVED, that the Mayor of the City of Vineland is hereby authorized to execute a Modification Agreement between the New Jersey Department of Transportation and the City of Vineland with respect to this change order for the Blackwater Branch Culvert Replacement – West Avenue at Blackwater Branch, under Federal Project No. STP-C00S (820).

Adopted:

President of Council

ATTEST:

City Clerk



January 9, 2018

TO THE MAYOR AND COUNCIL
OF THE CITY OF VINELAND

RE: Amendatory Supplemental Change Order No. 2
Contract No. C16-0033
Completion of Blackwater Branch Culvert Replacement

We are requesting an amendatory supplemental change order to Contract No. C16-0033, issued to Mount Construction Co., Inc., Berlin, NJ for the Completion of Blackwater Branch Culvert Replacement. This contract was authorized by Resolution No. 2016-79, adopted by City Council on March 8, 2016.

At the time of excavation, the unearthed material showed signs of contamination and testing proved the excavation as regulated material. As per the project specifications, disposal of unused regulated material would require a change order to dispose of at a qualified facility.

The change order requested, in the amount of \$78,179.58, will provide for disposal of the regulated material and for the balance of project quantities.

This change order, plus change order #1 (\$119,030.00), represents an increase of approximately 40.9484% over the original contract amount of \$481,606.00.

The amendatory supplemental change order which exceeds the 20% limitation, for which authorization is herein requested, may be authorized in accordance with N.J.A.C. 5:30-11.9.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "R. Dickenson", is written over the typed name.

Robert Dickenson
Business Administrator

RD/wr
Encl.

REQUEST FOR CHANGE ORDER

FOR:

BLACKWATER BRANCH CULVERT REPLACEMENT

PROJECT NAME

TO: BUSINESS ADMINISTRATION

DEPARTMENT: PW / ENGINEERING

FROM: RICK CAUDILL

This is a request for change order # 2 to Contract # C16-0033 for:

Project Name BLACKWATER BRANCH CULVERT REPLACEMENT

Name/Address of

Contractor: MOUNT CONSTRUCTION COMPANY, INC. / 427 S. WHITE HORSE PIKE, P.O. BOX 619, BERLIN, NJ 08009

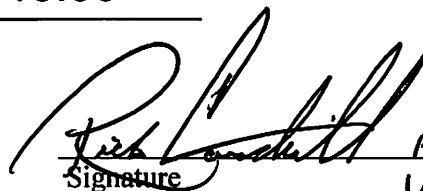
The change order is necessary because: (use additional pages if necessary to explain your reason and you must attach *documentation to support the necessity of this change order.

*(Documentation from contractor, engineer, etc.)

SEE ATTACHED

Original Contract Amount: \$ 481,606.00
Amount of this change order: \$ 78,179.58
Previous Change Orders: \$ +119,030.00
Total Revised Amount: \$ 678,815.58

APPROVED BY: Brian N. Myers
Print/type


Signature For Brian Myers
1/5/2018

NOTE:

CHANGE ORDERS CANNOT EXCEED 20% OF THE ORIGINAL CONTRACT AMOUNT

Please provide the account number that the change order will be charged to:

Account # 021-0-00-00-0000-2-5518615

CC: Purchasing Division

Change Order Justification
CO #2

CONSTRUCTION SERVICES FOR BLACKWATER BRANCH
CULVERT REPLACEMENT

Change Order #2 for the Blackwater Branch Culvert Replacement is the final change order for this project. The final cost is outlined in the quantity balance as shown in **Attachment A**. The final increase in cost lies predominantly in the disposal of excess regulated material that was discovered during site excavation. Regulated material disposal was clearly defined in the project specifications as a change order. The project site has no history of contaminated soils and borings did not indicate signs of contamination. Given the history and information provided to our office, the condition was unforeseen and, therefore, not incorporated in the original scope of the project. The remainder of the cost increase is the balance of quantity overages necessary to complete the project.

A visual indication of contaminated material was first discovered in November 2016 during excavation of the culvert. Tests were run on the material by ENRC and was deemed regulated (See **Attachment B**). RVE had also confirmed the material test results were regulated. Since removal of the regulated material was dependent on the excess amount, this discovery was put on hold for further scrutiny with the plans and specifications. Since the specifications called for change order for disposal of regulated material to the appropriate facility, a cost was negotiated with Mount (See **Attachment C**). Mount had originally come in with \$100/ton for disposal. After several verbal negotiations, the cost was lowered and agreed upon at \$85/ton. With the approved material handling plan (See **Attachment D**), a Construction Field Order was issued on June 19, 2017 (See **Attachment E**) to proceed with disposing the regulated material as per the provided Material Handling Plan.

With the quantity total of regulated material disposed reaching 853.79 tons as per the DC-70 Item Summary Sheet provided by RVE (See **Attachment F**), the quantity cost reached a total of \$72,572.15. With final project quantity balances, the total combined amount of this Change Order #2 is \$78,179.58. This would be a 13.02% increase to the amended contract amount and an overall 40.95% increase in the original contract amount.

Change Orders #1 & #2 have incorporated two unforeseen conditions – the need for steel sheeting & the disposal of regulated material. These needs have substantially increased the original project cost. Overall, both Change Orders were necessary in order to complete the project in its entirety while protecting the welfare of public safety, environment, and the quality of the intended product.