

RESOLUTION NO. 2020-344

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN AMENDATORY SUPPLEMENTAL CHANGE ORDER NO. 2, IN THE AMOUNT OF \$70,765.00 TO PROFESSIONAL SERVICES CONTRACT NO. C17-0025, ISSUED TO O.R. COLAN ASSOC., LLC, UNION, NJ.

WHEREAS, the City Council of the City of Vineland, on January 24, 2017, adopted Resolution No. 2017-49, entitled “A RESOLUTION AUTHORIZING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH O.R. COLAN ASSOC., LLC, UNION, NJ, FOR RIGHT OF WAY ACQUISITION SERVICES (GARDEN & MILL INTERSECTION)”;

and WHEREAS, the City Engineer has requested that an amendment be made to contract awarded to O.R. Colan Assoc., LLC, Union, NJ, for Right of Way Acquisition Services (Garden & Mill Intersection), as authorized by Resolution No. 2017-49; by change order to Contract No. C17-0025 to provide additional funds needed to complete the project, due to negotiations that were more labor intensive than anticipated, and events that occurred over the last six-month negotiation period that required additional work and rework of activities in the right of way acquisition process; and

WHEREAS, the Chief Financial Officer has certified that funds for the amendment requested herein are available; now, therefore,

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

1. THAT Resolution No. 2017-49, entitled “A RESOLUTION AUTHORIZING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH O.R. COLAN ASSOC., LLC, UNION, NJ, FOR RIGHT OF WAY ACQUISITION SERVICES (GARDEN & MILL INTERSECTION)”;

be and the same is hereby amended and supplemented to increase maximum amount of the contract by \$70,765.00.
2. THAT the Purchasing Agent be and the same is hereby authorized to issue an amendatory supplemental change order #2 to Contract No. C17-0025, in the amount of \$70,765.00.

Adopted:

President of Council

ATTEST:

City Clerk



August 18, 2020

REPORT

TO: THE MAYOR AND COUNCIL

Amendatory Supplemental Change Order No. 2
Contract No. C17-0025
Right of Way Acquisition Services (Garden & Mill Intersection)
O.R. Colan Assoc., LLC, Union, NJ

We are requesting that an amendatory supplemental change order be issued to Contract No. C17-0025, to O.R. Colan Assoc., LLC, Union, NJ, for Right of Way Acquisition Services (Garden & Mill Intersection). This contract was authorized by Resolution No. 2017-49, adopted by City Council on January 24, 2017.

The change order is in the amount of \$70,765.00 will provide additional funds needed to complete the project, due to negotiations that were more labor intensive than anticipated. Also because of events that occurred over the last six-month negotiation period that required additional work and rework of activities in the right of way acquisition process.

This change order increases the original contract amount from \$219,610.00 to \$393,990.00.

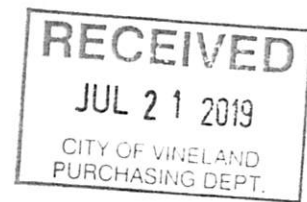
The amendatory supplemental change order for which authorization is herein requested may be authorized in accordance with N.J.A.C. 5:34-4.1 et seq.

Sincerely,

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

Robert Dickenson
Business Administrator

RD/wr



REQUEST FOR CHANGE ORDER

FOR:

Professional Services for Right of Way Acquisition Services Garden & Mill Traffic Signal

PROJECT NAME

TO: BUSINESS ADMINISTRATION

DEPARTMENT: Admin / Engineering FROM: David J. Maillet, PE

This is a request for change order # 2 to Contract # C17-0025 for:

Project Name _____

Name/Address of Contractor: OR Colan

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.)

Negotiations more labor intensive than anticipated, reworking of negotiations due to subdivisions/change of ownership...

Original Contract Amount:	\$ <u>219,610.00</u>
Amount of this change order:	\$ <u>70,765.00</u>
Previous Change Orders:	\$ <u>103,615.00</u>
Total Revised Amount:	\$ <u>393,990.00</u>

APPROVED BY: David J. Maillet, PE
Print/type

Signature

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 # C-04-00-000-1918-78001

CC: Purchasing Division

June 2, 2020

City of Vineland
David Maillet, City Engineer
640 E. Wood Street
P.O. Box 1508
Vineland, NJ 08362

RE: **Additional Funding Proposal – Acquisition Services
Garden and Mill Intersection, Vineland, New Jersey**

Dear Mr. Maillet:

O.R. Colan Associates (“ORC”) submits this additional funding proposal in the amount of \$70,765.00 for the above referenced project. Budgeted funds have been exhausted in May 2020.

Details by task, hours, fees and expenses are provided on Page 4 of this submittal.

This amount is needed to complete the project, due to negotiations that were more labor intensive than anticipated, and events that occurred over the last six-month negotiation period that required additional work and rework of activities in the right of way acquisition process.

The remainder of this narrative is an explanation of the work that has already taken place, and the remaining work to be done, that support this funding request. A general summary of additional items that increased the cost of services, and remaining work to be completed to close and transfer title to the City is as follows:

A. Additional Work Completed/Anticipated

Events listed below were not anticipated in the previous budget and contributed to the higher burn rate.

1. **Parcel E17 - B.D.G.S., Inc.** This owner had been working with the City for some time regarding the project and a new development. The final development plan, late in the acquisition process, included the subdivision of the E17 parcel into two separate parcels – E17 and E17A. This revision required the following rework and additional work: full revision of the E17 appraisal and of appraisal review; a new appraisal for E17A and appraisal review; ordering of a title update showing the subdivision; preparation of new offer package and initiation of negotiations.

2. Parcel E12 – Mark Cheney. ORC made extraordinary efforts throughout the project attempting to engage the property owner in negotiations. This included several letters, many trips to Cheney’s address, research, and even attempts/visits in other townships to visit with listed relatives to find him. He ignored all efforts made by ORC and condemnation is expected to be filed.
3. Parcel E15 – Marve Metcalf. ORC met with Mr. Metcalf who signed the PE Agreement in January 2020. In the months awaiting acquisition funding authorization, Mr. Metcalf passed away. ORC researched a representative for the estate and when found negotiated (and she accepted the amount agreed to), redrafted a PE Agreement, and obtained documentation to support the authorization to sign on his behalf.
4. Parcel E14 – Verizon. ORC worked substantial hours to locate the contacts for the property owner that was listed as NJ Bell. Months later ORC identified Verizon as the new name of the owner, and individuals authorized to sign were identified. A new offer package was created and submitted, and negotiations commenced. Along with searching for the authorized parties, ORC ordered a new title search, prepared administrative revision request, drafted an Agreement to purchase in fee (part of the negotiation – approval from City still pending).
5. Parcel E5 - Victor Gill. The negotiation with Mr. Gill was very labor intensive. It required numerous visits to advance the negotiations, including one trip to Philadelphia to his home and another to Pennsauken NJ. Twice he agreed to a reasonable administrative settlement, then changed his mind requiring more visits and requesting unreasonable amounts to settle. Gill required involvement of the City Solicitor to address his counteroffer in a lengthy letter, and the City asked ORC to engage the appraiser and the review appraiser to evaluate Gill’s counteroffer from a practical FMV standpoint which they did for a fee.
6. Parcels E1, E2 – Lark Properties. Ownership changed from Chenman Trust to Lark Properties during the negotiation phase, requiring title update and revision of offer package.
7. Rights of Entry. Discussions have recently taken place regarding whether Rights of Entry should be obtained for the project schedule pending the state Grant approval for acquisition, to allow the City on the acquired property prior to closing and possession. This will require drafting an agreement for City approval and contacting the property owners who may provide this early access on a voluntary basis.

B. Remaining Work to Complete Project

As of the date of this request, ORC has negotiated settlements with eleven of twelve property owners (as mentioned above, one property owner refused to enter into negotiations and is expected to be condemned). Outstanding work to complete the project is as follows:

1. Rights of Entry. ORC to obtain Rights of Entry per A.7. above.
2. E14 – Verizon. Although Verizon has agreed to an administrative settlement amount and the City has agreed to purchase in Fee Simple, ORC awaits the City’s review and approval of the agreement draft. Once obtained, ORC will then facilitate execution of the agreement and hold the document for the City’s authorization to close.

3. E1, E2, Lark Properties. ORC awaits the City's review and approval of final clauses requested by Grantor that will finalize this negotiated settlement. Once approved, ORC will revise PE Agreement, facilitate the execution of the PE Agreement, and hold until City provides the authorization to close.
4. E17, E17A – B.D.G.S. Same ownership as E1 and E2, so bullet above applies to these parcels as well.
5. Closing process, all parcels. The closing process will be conducted with Landis Title and has not yet started and therefore needs to be funded. All Agreements obtained have been held since their execution pending the City's receipt of state grant funding authorization. Once that grant is obtained, ORC will work with the Title Attorney to complete closings. The following is a list of those activities necessary to initiate and complete the closing process.
 - a. ORC – gather all necessary documentation for each closing as required by title company.
 - b. ORC to work with City and title company to facilitate a process for transfer of City funds to closing escrow.
 - c. Landis Title - provide all services needed to close property and transfer title that includes but is not limited to the following: Perform standard and other necessary searches based on title findings; Update and certify title; work with property owners on liens and judgments that must be cleared prior to closing; work with mortgage companies for mortgage releases; prepare closing documents; schedule closings as appropriate (i.e. at office or through mail); record needed documents; keep ORC updated on any title issues that will contribute to delayed title transfer. Submit all documentation to ORC for insertion into hard copy file.
 - d. ORC - oversee and track closing process for purposes of advising City of any title issues, or pending closing dates, and assist in communications or obtaining documents in efforts to expedite closings.
 - e. ORC - Review and pay Landis invoices, invoice City as needed.
6. ORC - Final internal audit of each property owner file in compliance with all applicable laws, regulations and procedures. Submit hard copy files to City.

This additional funding estimate may not include any services to facilitate the condemnation process because we expect that the City will not need them.

Thank you, please contact me if you have any questions.

Sincerely,



Nancy Maieski
Vice President
Phone: (973) 623-3900 Ext. 11
Fax: (973) 623-1100
nmaieski@orcolan.com

**ADDITIONAL FUNDING NEEDED TO COMPLETE PROJECT
VINELAND -INTERSECTION IMPROVEMENT - GARDEN AND MILL
JUNE 2, 2020**

LABOR/FEES	Hours and fees for additional Funding															Total Hours	Billing Rate	Total
	Pre-Acquisition Redo		Update Title Search		Update/New Appraisal/ Review		Negotiation		Closings/ Filings		Project Closeout		Project Management					
Staff Name	hrs		hrs		hrs		hrs		hrs		hrs		hrs					
ORC	hrs		hrs		hrs		hrs		hrs		hrs		hrs					
N Maleski Contract Manager	0	0.00	0	0	0	0	15	2,880	15	2,880	15	2,880	10	1,920	55	192.00	10,560	
M Tanger Project Manager	0	0.00	0	0	0	0	80	11,040	50	6,900	30	4,140	0	0	160	138.00	22,080	
T Williams Adm. Assistant													0	0	0	75.00	0	
N Cunningham Adm. Assistant													10	750	10	75.00	750	
TBD -Quality Review		0.00		0				0		0		0	15	1,875	15	125.00	1,875	
	0	0.00	0	0	0	0	95	13,920	65	9,780	45	7,020	35	4,545	240		\$35,265	
Associates (new Appraisal updates)																		
Appraiser								8,000										\$8,000
IRR (Review updates)																		
Appraisal Reviewer								5,000										\$5,000
Landis Title Services**																		
Title Upates										14,000								14,000
Recording Fees										1,500								1,500
Placeholder for Title Insurance (Unknown until values are known)										5,000								5,000
																		\$20,500
TOTAL LABOR/FEE		0		0		13,000		13,920		30,280		7,020		4,545				\$68,765
REIMBURSABLE EXPENSES																		
Travel	Allowance based on actual - estimate 2000 miles @ .58/mile; say \$300 tolls (Rounded)																1,500	
Postage	Allowance based on actual - say 36 certified @ \$8/each; say \$200 regular mail (rounded)																500	
																	2,000	
TOTAL COSTS ESTIMATED TO COMPLETE ACQUISITION PROCESS**																	\$70,765	

**Title Closing, title insurance, and recording fees are placeholders given the unknowns in final searches and clearing of encumbrances.

NOTE: Potential costs for services after the legal condemnation process have commenced are not included in the above estimate.