

RESOLUTION NO. 2021- 601

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN AMENDATORY SUPPLEMENTAL CHANGE ORDER NO. 1 TO CONTRACT NO. C21-0070, PURCHASE ORDER NO. 21-03496, ISSUED TO ENVIRONMENTAL STRATEGIES & APPLICATIONS, INC., MIDDLESEX, NJ, IN THE AMOUNT OF \$322,350.00.

WHEREAS, the City Council of the City of Vineland, on April 27, 2021, adopted Resolution No. 2021-191, entitled "A RESOLUTION AUTHORIZING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH ENVIRONMENTAL STRATEGIES & APPLICATIONS, INC., MIDDLESEX, NJ, FOR GROUNDWATER REMEDIATION AT PUBLIC WORKS YARD ON WALNUT ROAD, IN AN AMOUNT NOT TO EXCEED \$2,288,380.00 "; and

WHEREAS, N.J.A.C. 5:30-11.1, et seq., sets forth the requirements for the processing of change orders; and

WHEREAS, the City Engineer has requested that an amendment be made to contract awarded to Environmental Strategies & Applications, Inc., Middlesex, NJ, for Groundwater Remediation at Public Works Yard on Walnut Road, as authorized by Resolution No. 2021-191: said amendment is made necessary due to the following:

- transportation and disposal of additional petroleum contaminated soil found during excavation,
- additional clean fill material imported, placed and compacted,
- additional work hours; and

WHEREAS, the City of Vineland desires to comply with said requirements of N.J.A.C. 5:30-11.1, et seq., and to that end herewith files with the governing body a report stating the facts involved and indicating that the proposed 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 \$322,350.00; now, therefore,

BE IT RESOLVED by the Council of the City of Vineland that said amendatory supplemental change order #1 to Contract No. C21-0070, Purchase Order No. 21-03496, issued to Environmental Strategies & Applications, Inc., Middlesex, NJ, in the amount of \$322,350.00, be and the same is hereby ratified and approved.

Adopted:

President of Council

ATTEST:

City Clerk



December 7, 2021

REPORT

TO: THE MAYOR AND COUNCIL
Amendatory Supplemental Change Order No. 1
Contract No. C21-0070
Groundwater Remediation at Public Works Yard on Walnut Road
Environmental Strategies & Applications, Inc., Middlesex, NJ

We are requesting that an amendatory supplemental change order be issued to Contract No. C21-0070, Purchase Order No. 21-03496, issued to Environmental Strategies & Applications, Inc., Middlesex, NJ, for the Groundwater Remediation at Public Works Yard on Walnut Road. This contract was authorized by Resolution No. 2021-191, adopted by City Council on April 27, 2021.

The change order requested, in the amount of \$322,350.00, provides for the following:

- transportation and disposal of additional petroleum contaminated soil found during excavation
- additional clean fill material imported, placed and compacted
- additional work hours

This change order represents, an increase of approximately 14.086385% over the original contract amount of \$2,288,380.00.

The amendatory supplemental change order for which authorization is herein requested may be authorized in accordance with N.J.A.C. 5:30-11.1 et seq.

Respectfully submitted,

A handwritten signature in blue ink, which appears to read "Robert E. Dickenson, Jr.", is written over the typed name. To the right of the signature, the initials "FOR RD" are written in blue ink.

Robert E. Dickenson, Jr.
Business Administrator

RD/rl
Encl.

REQUEST FOR CHANGE ORDER



FOR:

Walnut Road DPW Yard Groundwater Remediation

PROJECT NAME

TO: BUSINESS ADMINISTRATION

DEPARTMENT: ADMIN / CITY ENGINEER FROM: Mike Russo

This is a request for change order # 1 to Contract # 21-0070 for:

Project Name Walnut Road DPW Yard Groundwater Remediation

Name/Address of Contractor: 495 Union Avenue, Suite 1D, Middlesex, NJ 08846

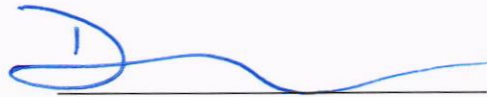
The change order is necessary because: (use additional pages if necessary to explain your reason and you must attach *documentation to support the necessity of this change order. *(Documentation from contractor, engineer, etc.)

Transportation & disposal of additional petroleum contaminated soil found during excavation.

Additional clean fill material imported, placed & compacted. These items created additional work hours.

Original Contract Amount:	\$ <u>\$2,288,380.00</u>
Amount of this change order:	\$ <u>322,350.00</u>
Previous Change Orders:	\$ <u>0</u>
Total Revised Amount:	\$ <u>2,610,730.00</u>

APPROVED BY: David J. Maillet, City Engineer
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-04-00-000-1423-78601~~ & C-04-00-000-2119-78016

\$ 88,875.85
1-01-20-165-1109-23044
\$ 233,474.15

CC: Purchasing Division





ENVIRONMENTAL STRATEGIES & APPLICATIONS, INC.
495 Union Avenue, Suite 1D, Middlesex, NJ 08846

phone: 732.469.8888
fax: 732.369.1120
email: info@askESA.com
web: askESA.com

CHANGE ORDER FORM

CHANGE ORDER #: ^2566
ESA PROJECT #: X4243
DATE: 11/11/2021

CLIENT:

Mr. David J. Maillet P.E.
City Engineer
City of Vineland Division of Engineering
640 E. Wood Street
PO Box 1508
Vineland, NJ 08362-1508

PROJECT:

City of Vineland Department of Public Works Facility
1086 East Walnut Road
Cumberland County, NJ 08362-1508
Contract #21-0070 / PO #21-03496

Dear Mr. Maillet:

Environmental Strategies and Applications, Inc. (ESA) respectfully submits this Change Order Request (COR) to the City of Vineland (Client) Division of Engineering for additional professional consulting & remedial construction services required during the soil and groundwater remediation activities performed from June 21st to October 14th 2021, at 1086 East Walnut Road, City of Vineland Department of Public Works (DPW) facility (Site). The changes in the scope, additional materials and services provided and identified as out of scope (OOS), were communicated in real time while performing the services as described in ESA's Professional Services Contract #21-0070, specifically the Project Management and Soil Excavation & Dewatering phases of work, proposed in detail in ESA's December 17, 2020, Site Remediation and Regulatory Compliance Services Scope of Work (SOW), ESA Proposal No. 20-5591. ESA requests that total value of this COR be applied as supplemental budget to ESA's Professional Services Contract #21-0070.

The OOS services, additional contaminated soil disposal and imported fill material above contract estimates resulted from multiple factors encountered during project execution. These included DPW facility operational requirements, changes to available space for exclusion work zones / staging areas, personnel and site safety requirements, revised means & methods for deep soil excavation, subsurface soil characteristics & soil screening field observations, and other changes in conditions. The most significant of these changes are described below:

- The surrounding area and remediation/exclusion area work zone size available for use became smaller. This limited ESA's ability to stage materials. In addition, it limited our ability to excavate laterally. Lateral soil removal was needed to bench downward to reach the required depth for removal of impacted soil. This was caused by unrelated on-site work activities performed by others and DPW facility operation requirements. These activities at and near the fueling station reduced ESA's work area. We were unable to bench the excavation laterally as originally planned and stage fill material adjacent to the fueling station. This required that ESA modify its means and methods to safely access and effectively excavate petroleum impacted soil located below the groundwater table. Consequently, shoring was implemented "on the fly" to finish the work as swiftly as possible.
- Subsurface soil conditions/characteristics began to retard deep excavation due to free-running sands exacerbated by groundwater infiltration. This condition was not suitable to achieve proper excavation sloping and benching within the space available. This condition supported the need to use shoring via sheet piling.
- ESA encountered previously undetected contaminated shallow overburden soil within the project area of disturbance that was presumed clean and suitable for use as backfill. Field observations and soil screening

identified localized pockets of impacted stained soil containing elevated volatile organic compound vapors located beyond the limits of the proposed excavation areas. This material had been presumed to be clean overburden material suitable for reuse as backfill.

The remedial activities and services summarized below were performed by 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) trained personnel in compliance with State and Federal regulations, and in accordance with ESA's Licensed Site Remediation Professional (LSRP) Terms & Conditions, Client and ESA's Professional Services Agreement, and PO #21-03496 & Contract #21-0070 issued by City of Vineland.

Description of Changes / Out-of-Scope & Add-On Remedial Construction Services

The following is a summary of details and additional material quantities for the OOS services provided:

1. Investigative soil screening, contaminated soil excavation, segregation, transportation, and off-site T&D of petroleum impacted soil encountered in areas beyond the originally proposed extent of soil excavation established for the former garage AOCs and former USTs AOCs, and investigation / remediation of previously unidentified Dry Well AOC hot spot resulted in the following:
 - Four (4) Days of Labor & Equipment for additional soil excavation, sloping & benching, and overburden material handling.
 - Three (3) Days of Labor & Equipment for soil stockpiling and soil loadout.
 - T&D of an additional 2,821.14 tons of petroleum contaminated soil @\$26.50 per ton.
2. Professional Engineering design, certification and installation of steel sheet piling shoring plan required for compliance with OSHA regulations to safely access and effectively excavate petroleum-impacted soil located below the groundwater table at depths ranging from 25' to 35' below ground surface (bgs) in Area 3. The change in the proposed excavation means and methods from benching/sloping to use of steel sheet piling shoring was required due to the following:
 - On-site DPW facility operations, services, and work performed by others limited the horizontal space available to ESA rendering it insufficient in size for the extent of excavation sloping, and benching required to facilitate soil excavation to 35-foot bgs.
 - The above limitation was amplified by the physical nature of the soil encountered in the unconsolidated saturated zone. That soil consisted of running sands, unsuitable to safely slope and bench the excavation to the required depth given the horizontal limitation described above.
 - Reaching the maximum depth of 35 feet was essential to ensure the effectiveness of the bioremedial amendments used to remediate residual contaminants from the groundwater.
3. Certified Clean Fill Material – 8,942 tons (import/place/compact) of additional virgin fill material was required to restore the work areas to existing elevation (15,000 tons estimated). The total OOS backfill price included in the total COR price was calculated on a unit rate basis at \$18.17 per ton (import, place, and compact). Therefore, no additional contractor labor, equipment, or fees for material handling was incurred. The additional backfill material installed was required for the following reasons:
 - Expansion of originally proposed excavation areas as explained above
 - Excavation of petroleum impacted soil identified in the overburden and sidewalls at AOC-3
 - Greater material compaction rate factor (1.1% estimated and 1.25% actual)
4. The above changes in scope required considerable time from ESA personnel. Specifically, this included oversight and management by a field scientist for an additional 23 days, monitoring equipment, travel time, vehicle, hotels and meals, and disposables expenses. However, due to effective project management, ESA was able to confer this additional time at no additional cost to the City. The breakdown of this addition effort is amplified below.

- Ten days for sheet piling install and excavation field oversight management
 - Thirteen days for soil T&D and clean fill import/placement/compaction
 - Fifteen post-excavation soil samples (dry well AOC and expanded dig areas)
 - Five additional waste characterization samples
5. Additional data evaluation, data table preparation, mapping, and compliance reporting for the expanded excavation areas, and new AOCs:
- LSRP – 12 hours
 - Senior Director – 12 hours
 - Associate Project Manager – 24 hours
 - Environmental Scientist II – 40 hours
6. Additional Project Management and Coordination time associated with the OOS services and work tasks detailed above:
- Executive Director – 8 hours
 - Senior Director – 50 hours
 - Project Manager – 24 hours
 - Associate Project Manager – 30 hours

PRICE:

The total price for OOS services as described herein is as follows:

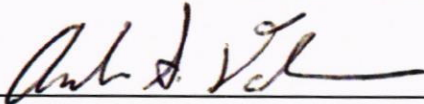
• Project Management Task:	\$19,960.00
• Soil Excavation and Dewatering Task:	
-ESA Field Oversight Labor & Expenses	\$0.00
-Remedial Contractor Labor and Equipment:	\$30,220.00
-Clean Fill Material (8,942 tons in-place)	\$162,476.00
• Contaminated Soil T&D Task (2,821.41 tons):	\$96,994.00
• Data Evaluation/Compliance Reporting & Permitting:	<u>\$12,700.00</u>
Total Price:	<u>\$322,350.00</u>

Please note, this COR is written on a Time & Materials basis for professional services conducted during normal business hours Monday through Friday. The City of Vineland has not incurred any overtime charges. The prices outlined will be applied as supplemental budget to the specified work tasks for Contract #21-0070. All work activities have been conducted under the previously approved ESA Standard Terms & Conditions for project # X4243 and CLIENT Contract #21-0070 / PO #21-03496.

Change Order #2566 Acceptance

ESA appreciates the opportunity to provide these professional services to CLIENT. ESA requests CO approval, pending invoice approval & processing via the existing X4243 project budget established under CLIENT Contract #21-0070. Kindly return an executed copy of this CO to the undersigned as approval. All work included herein has and/or will be performed under the previously executed Terms and Conditions as specified in the original Professional Services contract, unless otherwise stipulated. If you have any questions, please feel free to contact me at (732) 469-8888 or adaher@askesa.com.

WE AGREE to the change(s) specified above to be completed at the additional price of: \$322,350.00



ESA Authorized Signature

11/11/2021

Date

ACCEPTANCE: The above prices and specifications of this CHANGE ORDER are satisfactory and are hereby accepted. All work will be performed under the same terms and conditions as specified in the original contract unless otherwise stipulated.

CLIENT Authorized Signature

Date