TOWNSHIP OF DOWNE
CUMBERLAND COUNTY, NEW JERSEY

	YES	NO	ABSTAIN	ABSENT
Jordan, Sr., L.	X			
Byrne, S.	X			
Cook, D.	X			
Bart, E.	X			
Campbell, R.	X			

Resolution Number: R-72-2016
Dated: June 6, 2016
Offered By: COOK
Seconded By: JORDAN

RESOLUTION AUTHORIZING THE CHANGE ORDER TO THE WALTERS MARINE CONSTRUCTION CONTRACT

WHEREAS, the Township of Downe authorized a contract to Walters Marine Construction on July 6, 2015 in the amount of $404,936.00; and

WHEREAS, this project was funded from NJDEP Grant and NJDCA Grant; and

WHEREAS, during the construction of the bulkhead it was found that Bayview Road need to be paved wider; and

WHEREAS, following the award of the original bid, it became apparent that additional paving should occur at the project site; and

WHEREAS, the contractor was directed to proceed to complete additional reconstruction for the reasons stated above; and

WHEREAS, the increase in contract scope produced a contract value above the 20% maximum threshold set forth by Public Contracts Law; and

WHEREAS, the issuance of Change Order #5 (Final Quantities) places the contract at 24.18% above the original bid; and

WHEREAS, the Public Contracts Law requires a procedure to be followed in the event the 20% is exceeded; and

WHEREAS, in accordance with 5:34-4.8 *Procedures for Change Orders Which Exceed 20% Limitations,* the law requires that the 20% threshold could be exceeded when unforeseen conditions are combined with a situation that renders an execution of a new contract as an unreasonable interference with the efficient completion of the work; and

NOW THEREFORE BE IT RESOLVED THAT the Township of Downe will be issuing Walters Marine Construction Change Order #5 in the amount of $17,500.00 that will exceed the 20% limit for the following reasons:

- The Contractor was mobilized and it was logical to allow progression of this project to occur with this contractor as opposed to rebidding any extra portion to take advantage of the available funding.

- Avoids the need to issue a new contract that would have consequently increased the cost of the repaving project due to bidding costs, mobilization and demobilization of the existing contractor.

BE IT FURTHER RESOLVED THAT the Township of Downe has performed the following legal requirements:

1. By the adoption of this resolution, the Township has assured that the issuance of Change Order #5 is under Public Contracts Subchapter and is proper and allowable.

2. This resolution is passed prior to execution of the change order.

3. Print in the authorized newspaper a copy of the resolution including the amount to be expended, the original contract price and the need for the additional work.

4. Said actions must be reported in the annual audit. On or before the last day of February, the Clerk shall report to the Division of Local Government Services all changes from the preceding year that exceeded the 20% limitation. This report shall be made on a form provided by the Division of Local Government Services.

BE IT FURTHER RESOLVED THAT the Township of Downe has authorized Change Order #5 in the total amount of $17,500.00, subject to the certificate of availability of funds from the CFO.

ADOPTED at a regular meeting of the Township Committee of the Township of Downe on Monday, June 6, 2016.

ATTEST:

Nadine Lockley Acting Clerk

Mayor

C E R T I F I C A T I O N

I hereby certify the foregoing to be a true copy of a resolution adopted by the Downe Township Committee at its Regular Meeting held June 6, 2016

Date

Municipal Clerk