



**TOWNSHIP OF DOWNE
CUMBERLAND COUNTY, NEW JERSEY**

	YES	NO	ABSTAIN	ABSENT
Bart, E.	X			
Byrne, S.	X			
Jordan, L.	X			
Rothman, M.	X			
Campbell, R.	X			

Resolution Number: R-56-2017 Dated: April 25, 2017 Offered By: JORDAN Seconded By: ROTHMAN

**RESOLUTION APPROVING CONTRACT CHANGE ORDER NO. 1 ON
UNION STREET REPAIR BY ASPHALT PAVING CORPORATION**

WHEREAS, the Asphalt Paving Corporation and the Township of Downe had heretofore entered into an Agreement for the repair of Union Street situate in Downe Township, Cumberland County, New Jersey detailing the furnishing of labor, equipment and materials in the total amount of \$114,212.50 in accordance with the requirements of the Local Public Contract's Law to include, by way of example N.J.S.A. 40A:11-1 et seq.; and,

WHEREAS, during the course of the project, the subject Change Order was prepared and submitted to the Township based upon the discovery of deteriorated corrugated metal piping calling for replacement of corrugated metal piping in addition to what was contemplated at the implementation of the underlying Contract and the requisite curbing and gutter, as is set forth with more specificity in Township Engineer Thomas J. Tedesco, Jr., PE's report of April 20, 2017 provided to Brian Wirtz of NJ DOT Local Aid. The Contractor was mobilized and it is logical to allow progression of this project to occur with this Contractor as opposed to rebidding any extra portion to take advantage of available funding given the unforeseen and unforeseeable nature of the conditions discovered on this project; and,

WHEREAS, the Township Committee is obligated in accordance with N.J.A.C. 5:30-11.9, A through D, to contemplate and approve such Change Order to the extent that the Change Order exceeds the 20% limitation of the total job requiring the following:

1. Each Change Order shall be in writing and shall be numbered consecutively and attached to the original Contract for the Project.
2. The Change Order shall not be changed in such a manner as to nullify the effect of the competitive determination of the lowest responsible price which was made at the time of the Contract award, if at said time the changes could have been reasonably foreseen.
3. The Change Order shall not be used to substantially change the quality or character of the items or work to be provided insomuch as such would have been a determining factor in the original bidding.
4. The Change Order shall not serve the purpose of escalation clauses and therefore shall not be utilized to effectuate upward price adjustments not justified by exigent circumstances and unforeseen circumstances.
5. Before authorizing any Change Order resulting in additional expenditures, the availability of funds shall be certified in writing by the Chief Financial Officer as is appropriate and the Township Committee shall be assured, in writing, that adequate appropriations are available in accordance with N.J.A.C. 5:34-4.5, Certification of Funds.

WHEREAS, based upon the circumstances, it is appropriate for the Township Committee to consider the Change Order as has been prepared in consultation with the Township Engineer and recommended by same for additional piping, gutter and curbing in order to address the unforeseeable deteriorated piping conditions which must be addressed in order to complete the Union Street project situate in Downe Township to the extent of Change Order No. 1 calling for the construction costs on this

project originally considered under Resolution R-89-2016 to increase from \$114,212.50 to \$172,562.50 in accordance with the Township Engineer's letter of justification of April 20, 2017 in order to address the exigent circumstance of the excavated Union Street project situate in Downe Township requiring additional subservice repairs in order to repair the street in a safe condition for continued use.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Downe, County of Cumberland and State of New Jersey that Change Order No. 1 for the additional amount of \$58,350.00 for a final Contract amount of \$172,562.50 be approved;


AND, BE IT FURTHER RESOLVED, that the Township Clerk is directed to report to the Division of Local Government Services all changes from the preceding year that exceed the 20% limitation on the form provided by the Division of Local Government Services;

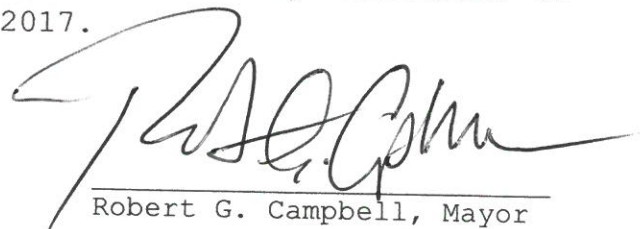
AND, BE IT FURTHER RESOLVED, that the Township Clerk may hereby be authorized to execute Change Order No. 1 and is further directed to adhere to the requirements of New Jersey Law and in particular N.J.A.C. 5:30-11.9 as to the publication of the Change Order and addition of the change to the fiscal year record for 2017;

AND, BE IT FURTHER RESOLVED, that the awarding of Change Order No. 1 avoids the need to issue a new Contract that would have consequently increased the cost of the Union Street repair project due to bidding costs, mobilization, fill of Union Street and demobilization of existing Contractor.

THIS RESOLUTION was adopted by the Township Committee of the Township of Downe on April 25, 2017.

ATTEST:


Nadine Lockley, Acting Municipal Clerk


Robert G. Campbell, Mayor

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

The undersigned, Clerk of the Township of Downe, does hereby certify that the foregoing is a true copy of a Resolution adopted by the Downe Township Committee at its Special Meeting held April 25, 2017.

Date

Nadine Lockley, Acting Municipal Clerk