

**RESOLUTION AUTHORIZING CONTRACT MODIFICATION #03
FOR THE 2018 GREEN INFRASTRUCTURE PROJECT CONTRACT 1**

MOTIONED BY: Marotta

SECONDED BY: Assadourian

WHEREAS, the North Hudson Sewerage Authority (hereinafter "Authority") is a public body, duly formed under the Sewerage Authorities law, constituting Chapter 138 of the Laws of New Jersey of 1946, as amended (Chapter 14A of Title 40 of the New Jersey Statutes Annotated) and possesses the powers set forth therein; and

WHEREAS, pursuant to the approval granted by virtue of R.20-117, the Authority has contracted with Persistent Construction, Fairview, N.J. in the amount of \$417,405.00 for the Green Infrastructure Project; and

WHEREAS, two previous contract modifications have been approved at an additional cost to the Authority of \$32,748.10; and

WHEREAS, this contract modification has been requested in order to efficiently advance the project as described in the report identified as "Exhibit A", with the additional work being documented as required by Mott MacDonald; and

WHEREAS, the Facilities Review Board has reviewed the proposal and recommends the approval of the requested contract modification.

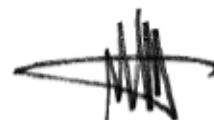
NOW, THEREFORE, BE IT RESOLVED that the Authority hereby authorizes the execution and implementation of said contract modification #03 in the amount not to exceed of \$31,092.00.

DATED: FEBRUARY 7, 2022

RECORD OF COMMISSIONERS' VOTE

	YES	NO	ABSENT
Commissioner Kappock	x		
Commissioner Marotta	x		
Commissioner Gardiner	x		
Commissioner Friedrich	x		
Commissioner Guzman	x		
Commissioner Velazquez			x
Commissioner Barrera	x		
Commissioner Zucconi	x		
Commissioner Assadourian	x		

THIS IS TO CERTIFY THAT THIS RESOLUTION WAS DULY ADOPTED BY THE NORTH HUDSON BOARD OF COMMISSIONERS ON FEBRUARY 7, 2022.



SECRETARY



Mr. Fredric J. Pocci, PE, Authority Engineer
North Hudson Sewerage Authority
1600 Adams Street
Hoboken, New Jersey 07030

**North Hudson Sewerage Authority
Green Infrastructure Improvements – Contract 1
Contract Modification No. 3 and Final**

Your Reference

S340952-31

Our Reference

507388902

111 Wood Avenue South
Iselin NJ 08830-4112
United States of America

T +1 (800) 832 3272
F +1 (973) 376 1072
mottmac.com/americas

February 4, 2022

Dear Mr. Pocci:

The purpose of this letter is to recommend Contract Modification No.3 (CM-001) to the Green Infrastructure Improvements – Contract 1 for the construction of the parking lot at 63rd Street in West New York.

The North Hudson Sewerage Authority (NHSA) entered into an interlocal agreement with the Town of West New York dated June 24, 2021. This document states that West New York will reimburse the NHSA for the construction of six (6) additional parking spaces in the amount not to exceed \$110,000.00.

The work related to this Contract Modification is related to the interlocal agreement.

The Contract Modification consists of additional work as summarized herein:

1. Concrete Curbing and Parging – In order to construct the six (6) additional a modular block retaining wall was constructed at the southern end of parking lot. There are two existing structures located along the eastern and western side of parking lot. When the area was excavated the base of these structures was exposed. The Contractor installed a concrete curb to transition these areas into the new retaining wall.
2. Guide Rail – The existing guide rail that is located on the east and side of the parking was in a state of disrepair. The original contract called for the removal of the guide rail and installation of rubber wheel stops. Once the demolition of the parking commenced, West New York requested the installation of new guide rail. This also required the contract to handwork the bituminous pavement around the guiderail posts.

The following is a summary of the additional costs:

1. Concrete Curb and Parging	\$ 4,182.00
2. Guide Rail	<u>\$26,910.00</u>
Total	<u>\$31,092.00</u>



The summation of the contract modifications represents an 16.94% increase in the original contract as summarized below:

Original Contract Amount:	\$376,743.00
Previous Change Orders	\$ 32,748.00
CM 03 Total	\$ 31,092.00
Final Contract Amount:	\$440,583.10

The final contract amount is established at \$440,583.10 and we will proceed with the closeout of the project.

The Authority's representatives have reviewed the Contractor's request for this contract modification and feel that the Contractor's request is fair and within industry standards. Therefore, we recommend that the Authority approve this Final Contract in the amount of \$31,092.00 at their next public meeting.

Additionally, the work that relates to the interlocal agreement will amount to \$106,695.00, which is within the budget of the document. The work was approved by West New York via an e-mail dated October 17, 2021, which is appended to this Contract Amendment.

If you have any questions or comments, please let me know.

Very Truly Yours,

Mott MacDonald

A handwritten signature in blue ink, appearing to read 'Kevin P. Wynn', is shown within a light gray rectangular box.

Kevin P. Wynn, PE, BCEE
Vice President
T 973-912-2537
kevin.wynn@mottmac.com

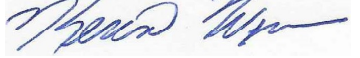
Attachment

CONTRACT MODIFICATION PROPOSAL AND ACCEPTANCE

1. ISSUING OFFICE NHTSA	2. PROJECT NO. S340952-31	3. CONTRACT NO.	4. MODIFICATION NO. CM-003
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5. TO (CONTRACTOR) Persistent Construction 58 Industrial Avenue Fairview, NJ 07022	6. PROJECT LOCATION AND DESCRIPTION 2018 Green Infrastructure Project, Contract 1 63rd Street Parking Lot, West New York NJ
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7. A proposal is required for making the hereinafter described change in accordance with specification and drawing revision: cited herein or listed in attachment hereto. Submit your proposal in space indicated on Page 2, attach detailed breakdown of prime and sub-contract costs (See the clause of this contract entitled, "Changes". DO NOT start work under this proposed change until you receive a copy signed by the Contracting Officer or a directive to proceed).

February 4, 2022 Kevin P. Wynn, PE 

Date Type Name and Title Signature

8. DESCRIPTION OF CHANGE: Pursuant to the clause of this contract covering changes, the contractor shall furnish all labour and material, and all work necessary to accomplish the following described work:

This Contract Modification adjusts the Contract Value as described in the following documents:

1. Refer to the letter prepared by Mott MacDonald dated February 4, 2022
2. Attachment - 1: Proposal Prepared by Persistent Construction dated October 7, 2021
3. Attachment - 2: Proposal Prepared by Persistent Construction dated October 7, 2021
4. Attachment - 3: E-mail from West New York dated October 17, 2021

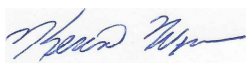
As a result of the above, the contract price is revised as follows:

ITEM NO.	ITEM DESCRIPTION	UNIT PRICE	ESTIMATED QUANTITY	TOTAL COST
1	Concrete Curb and Parging	\$ 4,182.00	1	\$ 4,182.00
2	Guide Rail	\$ 26,910.00	1	\$ 26,910.00

TOTAL COST OF THIS MODIFICATION \$ 31,092.00

The contract time is hereby: increase decrease or remains the same

The foregoing modification is hereby accepted:

<u>Persistent Construction</u> CONTRACTOR	<u>NHTSA</u> OWNER	(NJPE SEAL)	<u>Mott MacDonald</u> ENGINEER
BY: _____	BY: 	BY: _____	BY: _____
DATE: _____	DATE: <u>February 4, 2022</u>	DATE: _____	DATE: _____

APPROVAL: NA STATE OF NEW JERSEY _____ DATE

CONTRACT MODIFICATION PROPOSAL AND ACCEPTANCE

9. ISSUING OFFICE <p style="text-align: center;">NHSA</p>	10. PROJECT NO. <p style="text-align: center;">S340952-31</p>	11. CONTRACT NO.	12. MODIFICATION NO. <p style="text-align: center;">CM-003</p>
13. CONTRACTOR'S PROPOSAL - CHANGE IN CONTRACT PRICE (Detailed breakdown, attach additional sheets as necessary)			
<p>(Proposed)</p> <ol style="list-style-type: none"> 1. Refer to the letter prepared by Mott MacDonald dated February 4, 2022 2. Attachment - 1: Proposal Prepared by Persistent Construction dated October 7, 2021 3. Attachment - 2: Proposal Prepared by Persistent Construction dated October 7, 2021 4. Attachment - 3: E-mail from West New York dated October 17, 2021 			
NET INCREASE <hr/>	NET DECREASE <p style="text-align: center;">\$ <u>31,092.00</u></p>		CALENDAR DAYS INCREASE <p style="text-align: center;"><u>0</u> DAYS</p>
DATE:	TYPE NAME AND TITLE: Persistent Construction Anthony Grano		SIGNATURE:



Persistent Construction Company

58 Industrial Avenue
Fairview, NJ 07022

Phone: 201-941-9888
Fax: 201-941-9889

To:	North Hudson Sewerage Authority	Contact:	Kevin P. Wynn
Address:	1600 Adams Street Hoboken, NJ 07030 USA	Phone:	
Project Name:	Green Infrastructure Project VE 01	Bid Number:	2021-300-AG
Project Location:	6219 Bergenline Ave Parking, West New York, NJ	Bid Date:	1/6/2021

Line #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
20	Furnish And Install Concrete Curb And Parge Exposed Foundation Wall	60.00	LF	\$69.70	\$4,182.00

Total Bid Price: \$4,182.00

Notes:

- The above prices do not include performance and payment bond.
- The above prices do not include cost for permits.
- The above prices do not include removal and disposal of hazardous or contaminated soil.
- The above prices do not include over excavation of unsuitable soil. Geotech to advise once unsuitable soil is encountered.
- We are not responsible for any subsurface or latent conditions at the site differing materially from those indicated in the plans provided or contract documents. Unmarked utilities, conflicting utilities, obstructions, and debris segregation will be billed on a time and material basis; cost plus 15% OH & Profit.
- The above prices do not include foundation excavation and backfill or spoils generated from such. We will require a quantity of spoils from foundation contractor.
- The above prices do not include rock excavation.
- The above prices does not include material testing
- The above prices include dewatering utilizing one 3" pump only.
- All export material must meet NJ residential clean reuse standards, 4" minus, and free of debris. Owner is responsible for waste classification.
- All asphalt paving prices quoted are based on the NJDOT Asphalt Cement Index for the month of April 2021. Price of material is subject to change based on value of index at the time of project commencement. If asphalt cement index escalates then a revised unit price based on the escalated amount difference will be provided. Please see below link for NJDOT Asphalt Price Index <https://www.state.nj.us/transportation/business/aashtoware/PriceIndex.shtm>
- Nighttime, weekend or premium work is not included.
- Clear and adequate access shall be provided for our equipment to work areas by the general contractor.
- Persistent Construction expects work schedule to be continuous and free from disruptions. Any required changes must be made 48 hrs in advance.
- Any work not mentioned in the above scope of work is not included in this proposal.
- All work to be performed on weekdays between the hours of 7AM - 3:30PM

Payment Terms:

Payment Terms Are NET 30 Days

<p>ACCEPTED:</p> <p>The above prices, specifications and conditions are satisfactory and are hereby accepted.</p> <p>Buyer: _____</p> <p>Signature: _____</p> <p>Date of Acceptance: _____</p>	<p>CONFIRMED:</p> <p>Persistent Construction Company</p> <p>Authorized Signature: _____</p> <p>Estimator: Anthony Grano (201) 941-9888 agrano@persistentconstruction.com</p>
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Persistent Construction Company

58 Industrial Avenue
Fairview, NJ 07022

Phone: 201-941-9888
Fax: 201-941-9889

To:	North Hudson Sewerage Authority	Contact:	Kevin P. Wynn
Address:	1600 Adams Street Hoboken, NJ 07030 USA	Phone:	
Project Name:	Green Infrastructure Project VE 01	Bid Number:	2021-300-AG
Project Location:	6219 Bergenline Ave Parking, West New York, NJ	Bid Date:	1/6/2021

Line #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
21	Furnish And Install New Guide Rail And Posts	345.00	LF	\$44.00	\$15,180.00
22	Additional Asphalt Paving Handwork Around Guide Rail	1.00	LS	\$11,730.00	\$11,730.00

Total Bid Price: \$26,910.00

Notes:

- The above prices do not include performance and payment bond.
- The above prices do not include cost for permits.
- The above prices do not include removal and disposal of hazardous or contaminated soil.
- The above prices do not include over excavation of unsuitable soil. Geotech to advise once unsuitable soil is encountered.
- We are not responsible for any subsurface or latent conditions at the site differing materially from those indicated in the plans provided or contract documents. Unmarked utilities, conflicting utilities, obstructions, and debris segregation will be billed on a time and material basis; cost plus 15% OH & Profit.
- The above prices do not include foundation excavation and backfill or spoils generated from such. We will require a quantity of spoils from foundation contractor.
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Kevin Wynn

From: Paul Cray <Paul.Cray@rve.com>
Sent: Sunday, October 17, 2021 9:58 PM
To: Kevin Wynn; brian@vanore-electric.com
Cc: 'Jonathan Castaneda'; 'Amiris Perez'; 'LUIS BAEZ'; 'Fredric J. Pocci'; 'KIMBERLY O'MALLEY'; 'THOMAS O'MALLEY'; 'Reeve, Philip/HOB'; Michael Vaughan; William Coleman; Scott Clifford; 'CESAR AGUIRRE'
Subject: RE: 63rd Street Resurfacing & Expansion

Kevin - I have reviewed your below email with the town. Consider my reply tonight as West New York's authorization to proceed with the additional work. As discussed the work was not part of the contractor's contracted scope, however it is associated with the project in general that NHTSA and the town planned. The costs of the 2 additional items still works within the interlocal agreement amount.

Thank you for keeping everyone informed.

Paul

-----Original Message-----

From: Kevin Wynn <Kevin.Wynn@mottmac.com>
Sent: Friday, October 15, 2021 1:25 PM
To: Paul Cray <Paul.Cray@rve.com>; brian@vanore-electric.com
Cc: 'Jonathan Castaneda' <jcastaneda@westnewyorknj.org>; 'Amiris Perez' <aperez@westnewyorknj.org>; 'LUIS BAEZ' <Lbaez@westnewyorknj.org>; 'Fredric J. Pocci' <fpocci@nhudsonsa.com>; 'KIMBERLY O'MALLEY' <komalley@westnewyorknj.org>; 'THOMAS O'MALLEY' <tomomalley@westnewyorknj.org>; 'Reeve, Philip/HOB' <Philip.Reeve@jacobs.com>; Michael Vaughan <Michael.Vaughan@rve.com>; William Coleman <william.coleman@mottmac.com>; Scott Clifford <Scott.Clifford@mottmac.com>; 'CESAR AGUIRRE' <caguirre@westnewyorknj.org>
Subject: RE: 63rd Street Resurfacing & Expansion

Paul:

As we have discussed earlier in the week, the NHTSA is requesting your guidance on the following issues:

1. The existing guide rail on each side of parking was in a state of disrepair and was an eye sore, so the original contract called for existing guiderail to be removed and replaced with bumpers. The Township requested that guide rail be replaced with new beam (the existing post will remain). The Contractor submitted a budget of \$27,000.00. In addition to the guiderail hand work is required around the posts during paving.
2. Due to an unforeseen condition some additional concrete was required to cover an exposed foundation on the south side of the new parking spaces. The cost of this work is \$4,000.00.
3. The NHTSA will install the catch basin lateral and connect into Combined Sewer in Bergenline Avenue at their expense. As we discussed the existing lateral was routed beneath the small building at the corner of the parking lot and was completely packed with sediment and reduced to only 4-inches in diameter with improper connections.

The current interlocal agreement has sufficient budget to cover the additional work under items No. 1 and No. 2. We would like to request West New York's Authorization before we proceed with this additional work.

Thanks for your assistance in this matter.

Kevin

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