

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 18-244**

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 RELATED TO THE CONTRACT
WITH LUCAS BROTHERS, INC. FOR THE IMPROVEMENTS TO EAST BERGEN PLACE
PROJECT IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN N.J.A.C. 5:30-
11.9 ET SEQ.**

Councilman Zipprich offered the following resolution and moved its adoption:

WHEREAS, a Contract in the amount of \$1,349,755.00 was awarded to Lucas Brothers, Inc. on April 11, 2018 by Resolution #18-106 for the Improvement to East Bergen Place Project; and

WHEREAS, Change Order #1 was authorized on September 12, 2018 by Resolution #18-227 in the amount of \$160,200 on the recommendation of the Borough Engineer in order to address water main replacement in the section of East Bergen Place from Broad Street to South Street; and

WHEREAS, additional modifications to the original Contract are necessary due to unforeseen circumstances not anticipated at the time of the original bid resulting in significant additional work in the amount of \$360,920.00; and

WHEREAS, whenever a change order exceeds twenty percent (20%) of the Contract price, the Borough of Red Bank is obligated by law to follow the procedures set forth in N.J.A.C. 5:30-11.9; and

WHEREAS, this change order reflects additional costs associated with a revised design for water main replacement along East Bergen Place, specifically in the sections of Maple Avenue to Broad Street and from South Street to Branch Avenue; and

WHEREAS, the sum of Change Order #1 and Changer Order #2 results in a 38.6% increase to the original Contract amount; and

WHEREAS, the basis for this change order is that during construction of the sanitary sewer improvements it was observed that the existing water main and associated services are in poor condition, have inadequate clearance, and are nearing their useful lifespan; and

WHEREAS, the existing water main is a 6" diameter cast iron pipe and the majority of the water services are galvanized steel pipe; and

WHEREAS, during the opening of the sanitary sewer trench, exposed galvanized steel water services began leaking and three (3) encountered water services had existing leaks and developed void areas beneath the concrete roadway; and

WHEREAS, in accordance with the Local Public Contracts Law, a written certification dated September 27, 2018 was provided by the contractor to justify the additional work; and

WHEREAS, the design engineer, CME Associates, has reviewed the information submitted by the contractor and agreed that the itemized breakdown of labor and materials required to complete the water main replacement are justified base on the amount of work required; and

WHEREAS, Laura J. Neumann, PE, PP, has provided a letter dated September 28, 2018 recommending that the governing body pass a resolution to approve the change order, execute the change order form, and return the executed change order for further process.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank as follows:

1. The provisions of the WHEREAS clauses set forth above are incorporated herein by reference and made a part hereof.
2. Change Order No. 2 to the Improvements to East Bergen Place Project, dated September 18, 2018 which amends the original Contract with Lucas Brothers, Inc. is hereby approved with a supplementary price increase not to exceed \$360,920.00.
3. The Chief Financial Officer has certified that the funds are available from W-06-17-021-498, contingent upon expiration of the 20 day estoppel period of limitation within which a suit, action, or proceeding questioning the validly of such ordinance can be commence
4. The Mayor and Clerk and/or the appropriate professionals are hereby authorized to execute any and all documents associated with Change Order No. 2.
5. The Clerk and Chief Financial Officer shall follow the procedures set forth in N.J.A.C. 5:30-11.9.

Seconded by Councilman Yngstrom and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Taylor	(X)	()	()	()
Councilman Whelan	(X)	()	()	()
Councilman Yngstrom	(X)	()	()	()
Councilman Ballard	(X)	()	()	()
Councilman Zipprich	(X)	()	()	()
Councilwoman Horgan	(X)	()	()	()

Dated: October 10, 2018

I hereby certify the above to be a true copy of a resolution adopted by the Council of the Borough of Red Bank, in the County of Monmouth, at a meeting held on October 10, 2018.

Pamela Borghi, Municipal Clerk