

**BOROUGH OF RED BANK**

**COUNTY OF MONMOUTH**

**RESOLUTION NO. 19-134**

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 3 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.**

**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**, Change Order #2 was authorized on October 10, 2018 by Resolution #18-244 in the amount of \$360,920 on the recommendation of the Borough Engineer in order to address 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**, additional modifications to the original Contract are necessary due to unforeseen circumstances not anticipated at the time of the original bid resulting in additional work in the amount of \$155,529.75; and

**WHEREAS**, this change order reflects additional costs associated with additional tree removal and concrete work along East Bergen Avenue; and

**WHEREAS**, the sum of Change Order #1, Change Order #2, and Change Order #3 results in an increase in excess of twenty percent (20%) to the original Contract amount; 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**, the basis for this change order is that during construction it was observed that due to root growth and tree condition, some additional trees need to be removed; and

**WHEREAS**, in response to complaints, as well as to ensure a uniform curb height, removal and replacement of the concrete curb along the entire project limits is necessary; and

**WHEREAS**, additional sidewalk replacement was necessary; and

**WHEREAS**, in accordance with the Local Public Contracts Law, a written certification dated April 30, 2019 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 based on the amount of work required; and

**WHEREAS**, Laura J. Neumann, PE, PP, has provided a letter dated May 3, 2019 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. 3 to the Improvements to East Bergen Place Project, dated May 3, 2019 which amends the original Contract with Lucas Brothers, Inc. is hereby approved with a supplementary price increase not to exceed \$155,529.75.
3. The Chief Financial Officer has certified that the funds are current available in account(s) No. W-XX-XX-XXX-XXX.
4. The Mayor and Clerk and/or the appropriate professionals are hereby authorized to execute any and all documents associated with Change Order No. 3.
5. The Clerk and Chief Financial Officer shall follow the procedures set forth in N.J.A.C. 5:30-11.9.

	Motion	Yes	No	Abstain	Absent
Councilman Yassin					
Councilwoman Triggiano					
Councilman Ballard					
Councilman Yngstrom					
Councilman Zipprich					
Councilwoman Horgan					

Dated: May 8, 2019

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 May 8, 2019.

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Pamela Borghi, Municipal Clerk