

RESOLUTION NO. 2016-\_\_\_\_\_

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN AMENDATORY SUPPLEMENTAL CHANGE ORDER NO. 4 TO CONTRACT NO. C14-0107, ISSUED TO BLUEWATER ENERGY SOLUTIONS, ACWORTH, GA, IN AN AMOUNT NOT TO EXCEED \$67,117.50.

WHEREAS, the City Council of the City of Vineland, on September 23, 2014, adopted Resolution No. 2014-390, entitled “A RESOLUTION AWARDING A CONTRACT TO BLUEWATER ENERGY SOLUTIONS, ACWORTH, GA FOR THE COMPLETION OF CLAYVILLE UNIT 1 COMMISSIONING SERVICES FOR THE VINELAND MUNICIPAL ELECTRIC UTILITY – GENERATION DIVISION”; and

WHEREAS, N.J.A.C. 5:30-11.9 sets forth the procedures for processing change orders which exceed the 20 percent limitation; and

WHEREAS, the management personnel of the Electric Utility has requested that an amendment be made to contract awarded to Bluewater Energy Solutions, Acworth, GA for Clayville Unit 1 Commissioning Services, as authorized by Resolution No. 2014-390: said amendment is made necessary to incorporate the following modifications to this contract:

1. Additional onsite Installation and Commissioning Technician support and project management support. This addition is required due to emergent circumstances that evolved as a result of unforeseen actions of the construction contractor. These additional services are required to be taken to resolve these emergent circumstances and do not allow for competitive bidding processes to assure the best interests of the City are assured.
2. Additional performance and emissions testing performed March 11, 2016

WHEREAS, the City of Vineland desires to comply with said requirements of N.J.A.C. 5:30-11.1, et seq., and to that end herewith files with the governing body a report stating the facts involved and indicating that the proposed change order may be allowed under these regulations; and

WHEREAS, the City Comptroller has certified the availability of funds for the amendatory supplemental change order for which authorization is requested in the amount of \$67,117.50; now, therefore,

BE IT RESOLVED by the Council of the City of Vineland that said amendatory supplemental change order #4, to Contract No. C14-0107, issued to Bluewater Energy Solutions, Acworth, GA, in the amount of \$67,117.50 be and the same is hereby ratified and approved.

Adopted:

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
City Clerk



April 19, 2016

REPORT

TO: THE MAYOR AND COUNCIL

Amendatory Supplemental Change Order No. 4  
Contract No. C14-0107  
Clayville Unit 1 Commissioning Services - VMEU  
Bluewater Energy Solutions, Acworth, GA

We are requesting that an amendatory supplemental change order be issued to Contract No. C14-0107, issued to Bluewater Energy Solutions, Acworth, GA, for the Completion of Clayville Unit 1 Commissioning Services for the Vineland Municipal Electric Utility – Generation Division. This contract was authorized by Resolution No. 2014-390, adopted by City Council on September 23, 2014, awarded in the amount of \$537,778.00 plus a Contingency of \$53,777.80 for a total authorized amount of \$591,555.80.

This change order requested in the amount of \$67,117.50 is necessary to incorporate the following modifications to this contract:

1. Additional onsite Installation and Commissioning Technician support and project management support. This addition is required due to emergent circumstances that evolved as a result of unforeseen actions of the construction contractor. These additional services are required to be taken to resolve these emergent circumstances and do not allow for competitive bidding processes to assure the best interests of the City are assured.
2. Additional performance and emissions testing performed March 11, 2016.

The change order requested plus three (3) previous change orders increases the original contract amount from 537,778.00 to \$1,410,077.50.

|                 |   |
|-----------------|---|
| <b>ORIGINAL</b> | <b>\$537,778.00 plus Contingency of \$53,777.80</b>   |
| Change Order #1 | <b>REQUESTED CHANGE ORDER AMOUNT - \$185,182.00</b><br>After Deducting Contingency - \$131,404.20 |
| Change Order #2 | \$106,100.00  |
| Change Order #3 | \$513,900.00  |
| Change Order #4 | \$ 67,117.50  |

ChangeOrder1-Clayville-Commissioning



The amendatory supplemental change order which exceeds the 20% limitation, for which authorization is herein requested, may be authorized in accordance with N.J.A.C. 5:30-11.9.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert E. Dickenson, Jr.", is written over the typed name. The signature is fluid and cursive, with a large, prominent loop at the end.

Robert E. Dickenson, Jr.  
Assistant Business Administrator

RD/wr  
Encl.



Peter J. Kudless  
Project Manager  
Clayville Unit #1  
pkudless@vinelandcity.org  
www.vinelandcity.org

211 N. West Ave  
Vineland, NJ 08362-1508  
Phone: (856) 794-4000  
Extension: 4380  
Fax: (856) 405-4625

REQUEST FOR CHANGE ORDER  
FOR:

**Clayville Unit 1 Commissioning Services**  
**PROJECT NAME**

TO: BUSINESS ADMINISTRATION

DEPARTMENT: VMEU Generation Engineering

FROM: Pete Kudless, Project Manager 

This is a request for change order # 4 to Contract # C14-0107 for:

Project Name: Clayville Unit 1 Commissioning Services

Name/Address of Contractor: Bluewater Energy Solutions  
3459 Acworth Due West Road  
Suite 206  
Acworth, GA 30101

This change order is necessary to incorporate the following modifications to this contract (Authorizing Resolution 2014-390 attached):

- 1) Additional onsite Installation and Commissioning Technician support and project management support. These contract modifications are in accordance with Bluewater e-mail dated April 7, 2016 (attached). This addition is required due to emergent circumstances that evolved as a result of unforeseen actions of the construction contractor. These additional services are required to be taken to resolve these emergent circumstances and do not allow for competitive bidding processes to assure the best interests of the City are assured. Incorporation of these modifications results in a contract price increase of \$19,837.50.



Special arrangements for persons with disabilities may be made if requested in advance by contacting the Business Administrator's office at 856-794-4144.



Peter J. Kudless  
Project Manager  
Clayville Unit #1  
pkudless@vinelandcity.org  
www.vinelandcity.org

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Vineland, NJ 08362-1508  
Phone: (856) 794-4000  
Extension: 4380  
Fax: (856) 405-4625

2) Additional performance and emissions testing performed March 11, 2016, per Bluewater e-mail dated April 4, 2016 (attached). Incorporation of these modifications results in a contract price increase of \$47,280.00.

|                                     |                        |
|-------------------------------------|------------------------|
| <b>Original Contract Amount:</b>    | \$ <u>537,778.00</u>   |
| <b>Amount of This Change Order:</b> | \$ <u>67,117.50</u>    |
| <b>Previous Change Orders:</b>      | \$ <u>805,182.00</u>   |
| <b>Total Revised Amount:</b>        | \$ <u>1,410,077.50</u> |

APPROVED BY: Joseph Isabella  
Print/Type

Joseph Isabella  
Signature

NOTE: CHANGE ORDERS CANNOT EXCEED 20% OF THE ORIGINAL CONTRACT AMOUNT

Please provide the account number that the change order will be charged to:

Charge to Account # 022-0-00-00-0000-2-7511600 E343Y

CC: Purchasing Division  
Gus Foster  
John Boyle  
Pete Kudless  
Jeff Davis  
Tom Dunmore



Special arrangements for persons with disabilities may be made if requested in advance by contacting the Business Administrator's office at 856-794-4144.

RESOLUTION NO. 2014- 390

A RESOLUTION AWARDING A CONTRACT TO BLUEWATER ENERGY SOLUTIONS, ACWORTH, GA FOR THE COMPLETION OF CLAYVILLE UNIT 1 COMMISSIONING SERVICES FOR THE VINELAND MUNICIPAL ELECTRIC UTILITY - GENERATION DIVISION.

WHEREAS, the City of Vineland has heretofore advertised for bids for the Completion of Clayville Unit 1 Commissioning Services for the Vineland Municipal Electric Utility - Generation, in accordance with specifications on file in the office of the Purchasing Agent; and

WHEREAS, on August 26, 2014, bids were received, duly opened and read aloud, being referred to the Assistant Business Administrator for tabulation, evaluation, report and recommendation; and

WHEREAS, the Assistant Business Administrator has, under date of September 16, 2014 submitted a written report and tabulation of the bids received and has recommended that a contract for the Completion of Clayville Unit 1 Commissioning Services for the Vineland Municipal Electric Utility - Generation, be awarded to Bluewater Energy Solutions, Acworth, GA, in the amount of \$537,778.00 plus a contingency in the amount of \$53,777.80 for a total award amount of \$591,555.80, said bid being the lowest bid received and considered in the best interest of the City of Vineland; now, therefore,

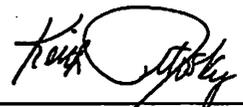
BE IT RESOLVED by the Council of the City of Vineland that said contract for the Completion of Clayville Unit 1 Commissioning Services for the Vineland Municipal Electric Utility - Generation, be and the same is awarded to Bluewater Energy Solutions, Acworth, GA, on their bid in the amount of \$537,778.00 plus a contingency in the amount of \$53,777.80 for a total award amount of \$591,555.80, said bid being the lowest bid received and considered in the best interest of the City of Vineland, and the Purchasing Agent be and the same is hereby authorized and directed to issue purchase order contract for the same in behalf of the City; and

BE IT FURTHER RESOLVED that the City Comptroller has certified that the funds for the contract to be awarded herein are available.

Adopted: September 23, 2014

  
\_\_\_\_\_  
President of Council arf

ATTEST:

  
\_\_\_\_\_  
City Clerk kp

CERTIFICATION

I, Keith Petrosky, RMC, Municipal Clerk of the City of Vineland, Cumberland County, New Jersey, do hereby certify that the foregoing Resolution is a true and correct copy of a Resolution adopted by the Council of the City of Vineland, at a meeting conducted on September 23, 2014 at City Hall, Vineland, New Jersey.

(SEAL)

  
\_\_\_\_\_  
Keith Petrosky, RMC  
Municipal Clerk

## Davis Jeffrey M

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**From:** Kris Larouche <klarouche@bwes1.com>  
**Sent:** Thursday, February 11, 2016 5:32 PM  
**To:** Davis Jeffrey M  
**Cc:** Dunmore Thomas; Kudless Peter J.; Jenison William; 'Lisa Schenz'; 'Theresa Yamarino'; 'Bret Bernhardt'  
**Subject:** FW: Clayville Hours Discrepancy  
**Attachments:** Tareen WE 6-19 and 6-20 demob.pdf; LaDon WE 7-17 and Demob.pdf; Missing Demob Timesheets.pdf; Copy of Manpower Loading- Clayville Rv.30 Actual Forcast.xls

Jeff,

Please see our response below. I have updated and attached the tracking spreadsheet (1 change based on the allocation of hours for LaDon's hours for WE 7/17 as described below) which now put's the total discrepancy @ \$22,175.00. We have also attached all requested timesheets for your review. Let me know when you are ready to discuss on a call.

Thanks

Kris

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**From:** Lisa Schenz [mailto:lschenz@bwes1.com]  
**Sent:** Thursday, February 11, 2016 4:08 PM  
**To:** 'Kris Larouche'  
**Cc:** 'Bret Bernhardt'; 'Theresa Yamarino'  
**Subject:** RE: Clayville Hours Discrepancy

Kris:

See below in **RED**. The only change to the timesheet will be correcting the allocation of LaDon's hours for WE 7/17. Other than that, the provided timesheets should clear up any other questions. Please let me know if you have any additional questions or concerns.

Thanks,  
Lisa

**Lisa Schenz**  
Payroll/HR Manager  
Bluewater Energy, Inc  
3459 Acworth Due West Rd.  
Suite 206  
Acworth, GA 30101  
678-594-2058 Office  
678-888-9119 Direct  
706-604-4460 Cell  
678-302-7248 Fax



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## Davis Jeffrey M

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**From:** Kris Larouche <klarouche@bwes1.com>  
**Sent:** Monday, April 04, 2016 3:21 PM  
**To:** 'Munninghoff, Edward C (PS DG RNA)'; Dunmore Thomas; 'Harianto, Sonny (PG DG PM AGT PM1)'; Kudless Peter J.; Davis Jeffrey M  
**Cc:** 'Schwarz, Andrew (PG DG PM AGT PM1)'; 'Krupa, Bradley J (PG DG PM AGT)'; 'Bret Bernhardt'  
**Subject:** RE: M.A916-Clayville: Performance Testing

Sonny, Pete,

I have received final costs for the Clayville Performance Testing performed back in March (see below):

- McHale- Test Equipment, Personnel, Gas Samples, Final Report, Test Instrumentation- **\$26,840**
- BES Personnel- 5 Days (1 BES Commissioning MGR or Project Manager)- **\$7,300**
- Emissions Testing- Working on getting a proposal form Air Nova- **\$13,140**

**Total Estimated Cost: \$ 47,280**

I will work with Pete on finalizing the Change Order.

Thanks

Kris

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**From:** Kris Larouche [mailto:klarouche@bwes1.com]  
**Sent:** Wednesday, March 09, 2016 6:36 AM  
**To:** 'Munninghoff, Edward C (PS DG RNA)'; 'Dunmore Thomas'; 'Harianto, Sonny (PG DG PM AGT PM1)'; 'Kudless Peter J.'; 'Davis Jeffrey M'  
**Cc:** 'Schwarz, Andrew (PG DG PM AGT PM1)'; 'Krupa, Bradley J (PG DG PM AGT)'; 'Bret Bernhardt'  
**Subject:** RE: M.A916-Clayville: Performance Testing

Sonny/Tom,

Sorry for the delay in getting the revised proposal for this weeks scheduled Performance Testing. Here is our estimated breakdown:

- McHale- Test Equipment, Personnel, Gas Samples, Final Report, Test Instrumentation- **\$28,377**
- BES Personnel- 5 Days (1 BES Commissioning MGR or Project Manager)- **\$7,300**
- Emissions Testing- Working on getting a proposal form Air Nova- **\$13,140**

**Total Estimated Cost: \$ 48,817**

Please note, additional manpower, test equipment, mobilization/demobilization costs may be incurred for testing outside of the schedule below (including weekend testing and demobilization). Any additional costs will be detailed and reviewed with both Siemens and the City of Vineland prior to invoicing.

Let me know if you have any questions.

## Kudless Peter J.

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**From:** Kris Larouche <klarouche@bwes1.com>  
**Sent:** Thursday, April 07, 2016 5:18 PM  
**To:** Kudless Peter J.  
**Cc:** Davis Jeffrey M; Dunmore Thomas; 'Bret Bernhardt'; 'Theresa Yamarino'  
**Subject:** RE: Feedback Re: Clayville Unit # 1 Commissioning - Final Billing  
**Attachments:** Bluewater Invoice BES 2015-0016 Rv.1.xlsx; BES Transmittal Form (Invoice) 2015-0016 Rv.1.xls; Copy of Manpower Loading- Clayville Rv.31 Actual Forcast.xls

Pete,

I have prepared and attached a billing transmittal for December 2015 (minus the overage of \$19,837.50), see attached. I would like to propose the following steps to close out the project:

1. Submit the attached December invoice for payment which will bring us up to the full amount of the existing contract amount of \$1,342,960
2. I will prepare and submit C/O Request #4 including the following:
  - a. McHale- Test Equipment, Personnel, Gas Samples, Final Report, Test Instrumentation- \$26,840
  - b. BES Personnel- 5 Days (1 BES Commissioning MGR or Project Manager)- \$7,300
  - c. Emissions Testing- Working on getting a proposal form Air Nova- \$13,140
  - d. Additional Commissioning Hours- \$19,837.50
3. Submit the retainage invoice in the amount of \$134,296
4. Submit for payment regarding C/O #4 once approved by the City Council

I understand that we still owe you a final Air Nova report which I hope to have by early next week. Let me know if this plan sounds acceptable and if you approve the submittal of the December Invoice. I am available to discuss on a call if you have any questions.

Thanks

Kris

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**From:** Kris Larouche [mailto:klarouche@bwes1.com]  
**Sent:** Tuesday, January 12, 2016 4:46 PM  
**To:** 'Kudless Peter J.'  
**Cc:** 'Davis Jeffrey M'; 'Dunmore Thomas'; 'Bret Bernhardt'; 'Theresa Yamarino'  
**Subject:** RE: Feedback Re: Clayville Unit # 1 Commissioning - Final Billing

Pete,

We have reviewed all of the invoicing documentation and it does appear as though my tracking sheet that I used to keep you updated was wrong. Jeff's is correct and we are over the PO by \$19,837.50. I apologize for the error. I'm not sure if a change order is possible at this point but am available to discuss when you return on Thursday.

Kris

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**From:** Kris Larouche [mailto:klarouche@bwes1.com]  
**Sent:** Monday, January 11, 2016 4:35 PM  
**To:** Kudless Peter J.