

RESOLUTION NO. 2018-274

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN AMENDATORY SUPPLEMENTAL CHANGE ORDER NO. 1 TO CONTRACT NO. C17-0044, ISSUED TO BERENATO CONTRACTORS, INC., HAMMONTON, NJ, IN THE AMOUNT OF \$36,997.08.

WHEREAS, the City Council of the City of Vineland, on April 11, 2017, adopted Resolution No. 2017-177, entitled "A RESOLUTION AWARDING A CONTRACT TO BERENATO CONTRACTORS, INC., HAMMONTON, NJ, FOR THE LANDIS AVENUE TRAFFIC SIGNAL UPGRADES, PHASE 1, IN THE AMOUNT OF \$944,426.34."; 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 City Engineer has requested that an amendment be made to contract awarded to Berenato Contractors, Inc., Hammonton, NJ, for Landis Avenue Signal Upgrades, Phase 1, as authorized by Resolution No. 2017-177; said amendment provides for additional funding for changes which include:

1. final adjustments on some items based on final quantities;
2. a number of added items resulting from conflicts encountered by the Contractor during the course of the work as well as additional items necessitated by the existing conditions;
3. additional inspection costs associated with the additional construction items; and

WHEREAS, the City of Vineland desires to comply with said requirements of N.J.A.C. 5:30-11.9, and to that end herewith files with the governing body a report stating the facts involved and indicating that said change order may be allowed under these regulations; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for the amendatory supplemental change order for which authorization is requested in the amount of \$36,997.08; now, therefore,

BE IT RESOLVED by the Council of the City of Vineland that said amendatory supplemental change order #1 to Contract No. C17-0044, issued to Berenato Contractors, Inc., Hammonton, NJ, in the amount of \$36,997.08, be and the same is hereby ratified and approved.

Adopted:

President of Council

ATTEST:

City Clerk



July 10, 2018

REPORT

TO: THE MAYOR AND COUNCIL

Amendatory Supplemental Change Order No. 1
Contract No. C17-0044
Landis Avenue Signal Upgrades, Phase 1
Berenato Contractors, Inc., Hammonton, NJ

We are requesting that an amendatory supplemental change order be issued to Contract No. C17-0044, issued to Berenato Contractors, Inc., Hammonton, NJ, for Landis Avenue Signal Upgrades, Phase 1. This contract was authorized by Resolution No. 2017-177, adopted by City Council on April 11, 2017.

The change order in the amount of \$36,997.08 provides for additional funding for changes which include:

1. final adjustments on some items based on final quantities;
2. a number of added items resulting from conflicts encountered by the Contractor during the course of the work as well as additional items necessitated by the existing conditions;
3. additional inspection costs associated with the additional construction items.

This change order #1 represents an increase of 3.9175% over the original contract amount of \$944,426.34.

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 blue ink, appearing to read "Robert E. Dickenson, Jr.", is written over the typed name and title.

Robert E. Dickenson, Jr.
Business Administrator

RD/rl
Encl.

REQUEST FOR CHANGE ORDER



FOR:

Landis Avenue Signal Upgrades, Phase 1

PROJECT NAME

TO: BUSINESS ADMINISTRATION

DEPARTMENT: Engineering FROM: Michael Russo

This is a request for change order # 1 to Contract # C17-0044 for:

Project Name Landis Avenue Signal Upgrades, Phase 1

Name/Address of

Contractor: Berenato Contractors, Inc.

The change order is necessary because: (use additional pages if necessary to explain your reason and you must attach *documentation to support the necessity of this change order.

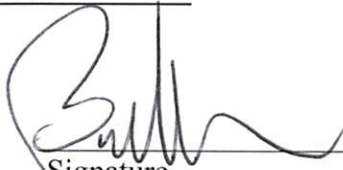
*(Documentation from contractor, engineer, etc.)

Cost increase. See attached supporting documentation narrative. Agreement modification for additional funding has already been approved

by the FHWA. Agreement mod has been signed by the Mayor and forwarded to the NJDOT. Currently waiting for the completed mod.

Original Contract Amount:	\$ <u>944,426.34</u>
Amount of this change order:	\$ <u>36,997.08</u>
Previous Change Orders:	\$ <u>0</u>
Total Revised Amount:	\$ <u>981,423.42</u>

APPROVED BY: Brian Myers, City Engineer
Print/type


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:

Account # 025-0-00-50-5001-2-6165600

CC: Purchasing Division



June 19, 2018

MEMORANDUM TO: Bob Dickenson, Assistant Business Administrator

RE: Landis Avenue Traffic Signal Upgrades, Phase 1
From Myrtle Street to Sixth Street
City of Vineland, Cumberland County
Federal Project #: CM-1030(109)
Federal Agreement No. 16-DT-BLA-727
NJDOT Project No. 6014410
City Eng. #: 15-021

This additional funding request has already been submitted and approved by the NJDOT & FHWA.

The agreement modification for additional funding was submitted on April 18, 2018. The approved agreement mod was received on May 15, 2018. The approved agreement mod was signed by the Mayor on May 17, 2018 and sent back to the NJDOT for completion on May 21, 2018. The City Engineering Department is currently waiting for the completed agreement mod for additional funding.

The requested change order is for both construction and associated inspection costs.

ADDITIONAL FUNDING FOR CONSTRUCTION

The request reflects an increase of \$36,997.08 (+3.92%) for an adjusted contract amount of \$981,423.42. This includes final quantity adjustments, and changes due to unforeseen conditions. This provides the City with an opportunity to better meet the approved scope of work.

ADDITIONAL FUNDING FOR INSPECTION

The request reflects an increase of \$16,000.00 (+22.94%) for an adjusted contract amount of \$85,736.00. This includes additional inspections associated with the additional construction costs. This provides the City with an opportunity to better meet the approved scope of work.

Please place this on the next City Council agenda. I recommend that Council gives this positive change order positive consideration. Funds are available in Account No. 025-0-00-50-5001-2-6165600.



LANDIS AVENUE TRAFFIC SIGNAL UPGRADES, PHASE 1
ADDITIONAL FUNDING JUSTIFICATION

Additional funding for the above referenced project includes (1) final adjustments on some items based on final quantities, (2) a number of added items resulting from conflicts encountered by the Contractor during the course of the work as well as additional items necessitated by the existing conditions, and (3) Additional inspection costs associated with the additional construction items.

- (1) Bid quantities are always estimates. The final, installed quantities are what the Contractor is ultimately entitled. Page 2 from DC-173 A, Federal Change Order, has been included to show the breakdown of construction costs. This shows all pluses and minuses for the project. It also includes the additional supplemental items, which are explained below.
- (2) Items S-1, S-2, S-3, and S-4 have been added after numerous negotiations between the resident engineer, Consulting Engineer Services (CES), our office, and the Contractor.
- (3) Associated with items S-1, S-2, S-3, and S-4; additional construction inspection was necessary to complete the project.



**NEW JERSEY DEPARTMENT OF TRANSPORTATION
DIVISION OF LOCAL AID & ECONOMIC DEVELOPMENT
FEDERAL AID CHANGE ORDER**

Sheet 2 of 2
Order No. 1 (FINAL)
Interim
Final
Date 3/1/18

Project Landis Avenue Traffic Signal Upgrades – Phase 1
Federal Project No. CM-1030 (109) Doc. No. NJDOT Job No. 6014410
Contractor Berenato Contractors, Inc.

ITEM NO.	DESCRIPTION	QUANTITY [+ Increase "or" - Decrease "or" New Work]	UNIT	UNIT PRICE	AMOUNT
2	BREAKAWAY BARRICADE	-24	LF	1	-\$24.00
3	CONSTRUCTION SIGNS	-120	LF	\$10.00	-\$1,200.00
4	DRUM	-38	UNIT	\$1.00	-\$38.00
5	TRAFFIC CONE	-2	UNIT	\$1.00	-\$2.00
6	TRAFFIC DIRECTOR, FLAGGER	-27.25	HOUR	62.03	-\$1,690.32
8	FOUNDATION, TYPE STF	-1	UNIT	\$6,400.00	-\$6,400.00
11	FOUNDATION, TYPE P	-5	UNIT	\$2,500.00	-\$12,500.00
20	17"X 30" JUNCTION BOX	+4	UNIT	\$1,800.00	\$7,200.00
25	3" RIGID NON-METALLIC CONDUIT (IF AND WHERE DIRECTED)	+68	LF	\$32.00	\$2,176.00
26	TRAFFIC SIGNAL CABLE, 5 CONDUCTOR	+870	LF	\$2.33	\$2,027.10
27	TRAFFIC SIGNAL CABLE, 10 CONDUCTOR	-1090	LF	\$3.19	-\$3,477.10
28	GROUND WIRE	+1573	LF	\$1.06	\$1,667.38
29	SERVICE WIRE, NO 6 AWG	+933	LF	\$4.14	\$3,862.62
31	REGULATORY AND WARNING SIGN	-19.75	SF	\$30.00	-\$592.50
34	MULTIPLE LIGHTING WIRE, NO. 8 AWG	-5295	LF	\$1.88	-\$9,954.60
35	TEST PIT	-10	CY	\$1.00	-\$10.00
36	SIDEWALK RESTORATION	-100	SY	\$60.00	-\$6,000.00
S-1	FOUNDATION, TYPE P-MC	+5	UNIT	\$3,200.00	\$16,000.00
S-2	METER CABINET, TYPE T	+5	UNIT	\$3,240.00	\$16,200.00
S-3	FOUNDATION, TYPE STF MODIFIED	+1	UNIT	12,922.50	\$12,922.50
S-4	TRAFFIC SIGNAL BACKPLATES	+51	UNIT	\$330.00	\$16,830.00

Amount of Original Contract	\$	944,426.34
Adjusted Amount Based on Change Order No. 1	\$	981,423.42
Total Change (+ or -)	\$	+36,997.08
% Change in Contract [(+) Increase or (-) Decrease]		+3.92%

S-1 "Foundation, Type P-MC" – The original design only included "Foundation, Type P" but no provisions were made for a new meter cabinet. The new signals were designed to be powered by the existing meters. After some discussion it was determined that the existing meters were very old, out-of-date and attached to utility poles (not in stand-alone cabinets). So new meter cabinets should be installed to accommodate the new meters. This necessitated a change to the type of foundation. The result of this change caused a negative five (5) change to Foundation, Type P (Item 11).

S-2, "Meter Cabinet, Type T" – The new signals were designed to be powered by the existing meters. After some discussion it was determined that the existing meters were very old, out-of-date and attached to utility poles (not in stand-alone cabinets). So new meter cabinets should be installed to accommodate the new meter. The result of this caused a positive five (5) meter cabinets.

S-3, "Foundation, Type STF Modified" – The contractor encountered an unmarked sanitary sewer pipe on the northwest corner of Landis Avenue and 7th Street when excavating for a proposed STF foundation. The sanitary sewer pipe conflicted with the location of the STF foundation. The best alternative was to create a modified STF foundation. This required the building of a modified cage to accommodate the new



foundation configuration. The result of this is a negative one (1) Foundation, Type STF (Item 8).

S-4, "Traffic Signal Backplates" – Traffic Signal Backplates are an approved safety measure per NJDOT and the City of Vineland views these backplates as a necessary item for all new signals. After negotiations between CES, The City of Vineland and the contractor, the resulting price was agreed upon.

ADDITIONAL FUNDING JUSTIFICATION FOR INSPECTION

Consulting Engineer Services (CES) was contracted by the City of Vineland to provide construction administration and inspection services for this project. The project construction is complete.

The original scope of services was based on the City's request for proposal (RFP) and CES understood the work necessary to complete the project. During the course of the project some unanticipated issues arose that required additional services and the City considers these services to be beyond the original proposal. Descriptions of the additional services are provided below.

MODIFIED TRAFFIC SIGNAL FOUNDATION

The contractor encountered an unmarked sanitary sewer pipe on the northwest corner of Landis Avenue and 7th Street when excavating for a proposed STF foundation on November 28, 2017. CES coordinated with the contractor, the City of Vineland, and Landis Sewerage Authority in reviewing several alternatives to avoid conflict with the existing underground utilities (water, gas, sanitary sewer, and duct banks), while meeting NJDOT, MUTCD, and ADA/PROWAG standards for the locations of the traffic signal pole, signal heads, pushbutton, and curb ramp. Based on correspondence, CES developed a modified STF foundation detail to address the issue. This required additional field inspection time, administrative/engineering time, and CAD time that was not included in the original proposal. CES also provided extensive coordination with the contractor regarding the labor and material cost for the work to negotiate a cost that was acceptable to the City (\$12,922.50)

TRAFFIC SIGNAL BACKPLATES

The City decided to add 51 traffic signal backplates that were not in the original contract. CES corresponded with the contractor to negotiate a cost that was acceptable to the City. The initial change order request was for \$26,775.00 and the final approval was \$16,830.00. Adding the backplates required additional days of field inspection, as well as administrative/engineering time that was not included in the original proposal.

ADDITIONAL INSPECTION TIME

In addition to the items noted above, additional field inspection time was required in order to provide the required full-time inspection coverage throughout the duration of the project. When CES prepared the cost proposal for the project, it was assumed that the contractor and subcontractor would proceed concurrently with the underground work (e.g. foundations, conduit and junction boxes) and the above ground work (e.g. controller cabinets, meter cabinets, traffic signal poles, mast arms, and luminaires). However, the prime contractor (Berenato Contractors) and the subcontractor (Diehl Electric) generally alternated their work, resulting in more construction days than originally anticipated. The original proposal estimated 526 hours of



inspector time for CES and 120 hours for the DBE inspector for a total of 646 hours. However, 873 inspector hours were spent on the project.

COST SUMMARY

CES has provided these additional services throughout the duration of the project in order to keep the project moving toward completion. Note, the project was completed within the contract time with minimal increase in construction cost.

The city asks that the following additional funding be approved to compensate CES for services beyond the original scope of work:

Modified Traffic Signal Foundation design, Coordination & negotiation	\$3,000.00
Traffic Signal Backplates coordination & negotiation	\$2,300.00
<u>Additional Field Inspection (approx. 3 weeks)</u>	<u>\$10,700.00</u>
Total	\$16,000.00

As shown on the following draft invoice from CES, they have expended an additional \$15,673.41 on the project to-date and they are requesting \$16,000.00 to cover this overage as well as a few additional hours for closeout documents.

Original Contract	\$69,736.00
<u>Requested additional funding</u>	<u>\$16,000.00</u>
Total	\$85,736.00



Invoice



Consulting Engineer Services, Inc.
645 Berlin Cross-Keys Rd, Suite 1
Sicklerville, NJ 08081
856-228-2200

City of Vineland
Engineering Dept
640 E Wood St, 4th Floor
Vineland, NJ 08362

April 3, 2018
Invoice No: <Draft>

Project Manager: Michael Brown

Project 3628 Landis Ave - PO#17-003714

Professional Services from: December 24, 2017 to March 31, 2018

Billing Group CPM Traffic Signal Upgrades - Phase I

Task 01.0 Construction Administration

Professional Personnel

		Hours	Rate	Amount
Brown, Michael	12/27/2017	2.00	43.00	86.00
Brown, Michael	12/28/2017	.50	43.00	21.50
Brown, Michael	1/2/2018	.50	43.00	21.50
Brown, Michael	1/3/2018	2.50	43.00	107.50
Brown, Michael	1/8/2018	1.00	43.00	43.00
Brown, Michael	1/9/2018	.50	43.00	21.50
Brown, Michael	1/17/2018	.50	43.00	21.50
Brown, Michael	1/18/2018	.50	43.00	21.50
Brown, Michael	1/19/2018	.50	43.00	21.50
Brown, Michael	1/22/2018	1.00	43.00	43.00
Brown, Michael	1/24/2018	1.00	43.00	43.00
Brown, Michael	2/1/2018	.50	43.00	21.50
Brown, Michael	2/2/2018	4.00	43.00	172.00
Brown, Michael	2/5/2018	.50	43.00	21.50
Brown, Michael	2/12/2018	1.50	43.00	64.50
Brown, Michael	2/13/2018	2.00	43.00	86.00
Brown, Michael	2/14/2018	2.00	43.00	86.00
Brown, Michael	2/20/2018	4.00	43.00	172.00
Brown, Michael	2/21/2018	1.00	43.00	43.00
Brown, Michael	2/22/2018	.50	43.00	21.50
Brown, Michael	3/1/2018	1.50	43.00	64.50
Brown, Michael	3/2/2018	2.00	43.00	86.00
Dunmyer, David	12/27/2017	5.00	33.28	166.40
Dunmyer, David	1/4/2018	6.50	33.28	216.32
Dunmyer, David	1/5/2018	5.50	33.28	183.04
Dunmyer, David	2/2/2018	3.00	33.28	99.84

All invoices are due upon receipt. A late charge of 1.5% will be added to any invoice after 30 days.



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

Project	3628	Landis Ave - PO#17-003714			Invoice	<Draft>
Dunmyer, David		2/6/2018	3.50	33.28	116.48	
Dunmyer, David		2/12/2018	4.00	33.28	133.12	
Dunmyer, David		2/13/2018	7.00	33.28	232.96	
Dunmyer, David		2/14/2018	4.00	33.28	133.12	
Totals			68.50		2,571.28	
Total Labor						2,571.28
Additional Fees						
Overhead					3,180.67	
Fixed Fee					462.83	
Total Additional Fees					3,643.50	3,643.50
					Task Total	\$6,214.78

Task	03.0	Construction Inspection				
Professional Personnel						
			Hours	Rate	Amount	
Dunmyer, David		12/28/2017	8.00	33.28	266.24	
Dunmyer, David		1/2/2018	8.00	33.28	266.24	
Dunmyer, David		1/3/2018	8.00	33.28	266.24	
Dunmyer, David		1/8/2018	8.00	33.28	266.24	
Dunmyer, David		1/9/2018	8.00	33.28	266.24	
Dunmyer, David		1/18/2018	8.00	33.28	266.24	
Dunmyer, David		1/19/2018	8.00	33.28	266.24	
Dunmyer, David		1/22/2018	8.00	33.28	266.24	
Dunmyer, David		1/23/2018	8.00	33.28	266.24	
Dunmyer, David		1/24/2018	8.00	33.28	266.24	
Firman, David		1/25/2018	8.00	33.05	264.40	
Totals			88.00		2,926.80	
Total Labor						2,926.80
Additional Fees						
Overhead					3,620.45	
Fixed Fee					526.82	
Total Additional Fees					4,147.27	4,147.27
					Task Total	\$7,074.07

Task	04.0	Project Close Out				
Professional Personnel						
			Hours	Rate	Amount	
Brown, Michael		2/12/2018	1.00	43.00	43.00	
Brown, Michael		2/15/2018	.50	43.00	21.50	
Brown, Michael		3/1/2018	1.50	43.00	64.50	
Brown, Michael		3/2/2018	1.00	43.00	43.00	
Brown, Michael		3/6/2018	1.00	43.00	43.00	
Brown, Michael		3/7/2018	.50	43.00	21.50	
Brown, Michael		3/9/2018	1.00	43.00	43.00	
Brown, Michael		3/16/2018	3.00	43.00	129.00	

All invoices are due upon receipt. A late charge of 1.5% will be added to any invoice after 30 days.



Project	3628	Landis Ave - PO#17-003714			Invoice	<Draft>
Brown, Michael		3/20/2018	1.00	43.00	43.00	
Brown, Michael		3/21/2018	.50	43.00	21.50	
Dunmyer, David		2/1/2018	4.50	33.28	149.76	
Dunmyer, David		2/20/2018	8.00	33.28	266.24	
Dunmyer, David		2/21/2018	3.00	33.28	99.84	
Dunmyer, David		2/22/2018	4.00	33.28	133.12	
Pirolli, Darlene		2/27/2018	1.00	27.45	27.45	
		Totals		31.50	1,149.41	
		Total Labor				1,149.41
Additional Fees						
		Overhead			1,421.82	
		Fixed Fee			206.89	
		Total Additional Fees			1,628.71	1,628.71
				Task Total		\$2,778.12
Billing Limits						
		Total Billings	Current	Prior	To-Date	
		Limit	16,066.97	69,342.44	85,409.41	
		Adjustment				-15,673.41
				Billing Group Total		\$393.56
				Total Project Invoice Amount		\$393.56



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