

RESOLUTION NO. 2023-163

RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) FOR MYSTIC ISLAND DRAINAGE IMPROVEMENTS PHASE 2 TO EARLE ASPHALT COMPANY

WHEREAS, a contract was previously awarded to Earle Asphalt Company for Mystic Island Drainage Improvements Phase 2, Twin Lakes Boulevard Drainage Improvements; and

WHEREAS, the original contract for said improvements was in the amount of \$1,528,813.13; and

WHEREAS, the governing body wishes to authorize Change Order No. 1 (Final), which will result in an increase of \$134,589.41 in the contract price, representing supplemental work and final as-built quantity adjustments as shown on Schedule A attached hereto and made a part hereof, which is an 8.8% increase for a new total of \$1,663,402.54; and

WHEREAS, this change order has been recommended by the Township Engineer; and

WHEREAS, it is the desire of the governing body to authorize the execution of this change order.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey as follows:

1. That the governing body does hereby authorize the execution of Change Order No. 1 (Final), which will result in an increase of \$134,589.41 in the contract price, representing supplemental work and final as-built quantity adjustments as shown on Schedule

r|m|s|h|c

Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

98 East Water Street
Toms River, NJ 08753

o: 732.363.0777
f: 732.905.6555

A attached hereto and made a part hereof, which is an 8.8% increase for a new total of \$1,663,402.54.

2. That the Mayor is hereby authorized to execute and the Township Clerk to attest to, respectively, an addendum to the contract with Earle Asphalt Company, in accordance with the provisions of this resolution.


3. That a Certificate of Availability of Funds executed by the Chief Financial Officer is annexed hereto. The following are the line item appropriations or ordinances which constitute the availability of funds for this contract:

ORD 2020-10 ORD 2021-18

4. That a certified copy of this resolution, together with a copy of Change Order No. 1, be forwarded to the Chief Financial Officer, Township Engineer and Earle Asphalt Company.

CERTIFICATION

I, **KELLY LETTERA, RMC**, Municipal Clerk of the Township of Little Egg Harbor do hereby certify that the foregoing resolution was duly adopted by the Township of Little Egg Harbor Township Committee at a meeting held on the **11th** day of **May, 2023**.



KELLY LETTERA, RMC
Township Clerk
Little Egg Harbor Township

r|m|s|h|c

Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

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CERTIFICATE OF AVAILABILITY OF FUNDS

I, **RODNEY R. HAINES**, Chief Financial Officer for the Township of Little Egg Harbor, do hereby certify that adequate funds are available for an Addendum for Change Order No. 1(Final) with Earle Asphalt company for Mystic Island Drainage Improvements Phase 2, Twin Lakes Boulevard Drainage Improvements in the amount of \$134,589.41.

The funds which are available for this contract are found in the following line item appropriations or ordinances:

ORD 2020-10 ORD 2020-18


RODNEY R. HAINES, Chief Financial Officer
Township of Little Egg Harbor

r|m|s|h|c
Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW
98 East Water Street
Toms River, NJ 08753
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ADDENDUM TO CONTRACT

THIS ADDENDUM made this _____ day of _____, **2023**,

by and between the **TOWNSHIP OF LITTLE EGG HARBOR**, a municipal corporation of the State of New Jersey, having its principal offices located at 665 Radio Road, Little Egg Harbor, New Jersey, 08087, hereinafter referred to as "Township," and **EARLE ASPHALT COMPANY**, having an address at P.O. Box 556, Farmingdale, New Jersey 07719, hereinafter referred to as "Contractor."

WITNESSETH:

WHEREAS, a contract was previously awarded to Earle Asphalt Company for the Mystic Island Drainage Improvements Phase 2, Twin Lakes Boulevard Drainage Improvements; and

WHEREAS, the original contract for said project was in the amount of \$1,528,813.13; and

WHEREAS, the governing body wishes to authorize Project Change Order No. 1, which will result in an increase of \$134,589.41 in the contract price, representing supplemental work and as-built quantity adjustments as set forth on Schedule A, attached hereto and made a part hereof; and

WHEREAS, this change order has been recommended by the Township Engineer and agreed to by the contractor; and

WHEREAS, this only change order totals \$134,589.41, which amount is an 8.8% increase of the original contract awarded to the contractor.

NOW THEREFORE, be it agreed between the parties as follows:

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Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

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1. The Township and the Contractor do hereby amend the original contract between the parties for the for the Mystic Island Drainage Improvements/Twin Lakes Boulevard Drainage Improvements, Project Phase 1 to provide for an increase of \$134,589.41 in the contract price, representing supplemental work and final as-built quantity adjustments as shown on Schedule A attached hereto and made a part hereof, which is an 8.8% increase for a new total of \$1,663,402.54 for supplemental work and as-built final quantities as set forth on Schedule A, attached hereto and made a part hereof.

2. That the parties do hereby authorize the execution of this addendum.

WITNESS & ATTEST:

TOWNSHIP OF LITTLE EGG HARBOR

KELLY LETTERA, RMC
Township Clerk

By _____
BLAISE SCIBETTA, Mayor

EARLE ASPHALT COMPANY

Secretary
(Seal)

By _____
President

r|m|s|h|c

Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

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Toms River, NJ 08753

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YOUR GOALS. OUR MISSION.

May 3, 2023

VIA EMAIL AND REGULAR MAIL

Kelly Lettera, Township Clerk :
Township of Little Egg Harbor
665 Radio Road
Little Egg Harbor, NJ 08087

Re: T&M File No. LEHT-01842
Change Order No. 1 (Final)
Mystic Island Drainage Improvements Phase 2
Township of Little Egg Harbor, Ocean County, NJ

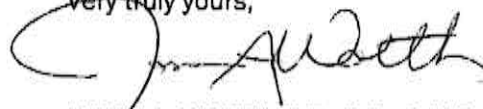
Dear Ms. Lettera:

Enclosed please find four (4) originals of a Change Order No. 1 adjusting the contract quantities to the Contractor, Earle Asphalt Company, based on as-built quantities and extra work items for the above referenced project to date. Overall, the contract is being increased from the original contract total of \$1,528,813.13 to \$1,663,402.54, which is a 8.8% increase in the contract cost.

The enclosed document has been executed by the contractor and T&M as required. After the change order is executed, please return the four (4) originals to our office for NJEIT approval. By copy I am requesting Melanie Appleby, Township Attorney prepare a resolution suitable for adoption at the next committee meeting. I trust the above is in order and satisfactory for the Township of Little Egg Harbor to process the enclosed change order.

Should you have any questions relative to this matter, please feel free to contact me at your convenience.

Very truly yours,



JASON A. WORTH, P.E., P.P., C.M.E.
TOWNSHIP ENGINEER

JAW:ls
Enclosures

cc: Rodney Haines, Township Administrator/CFO (via email)
Melanie Appleby, Esq., Township Attorney (via email)

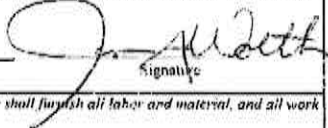
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CONTRACT MODIFICATION PROPOSAL AND ACCEPTANCE

1 ISSUING OFFICE T&M Associates	2 PROJECT NO S340579-04	3 CONTRACT NO LEIIT-01842	4 MODIFICATION NO 1
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5 TO (CONTRACTOR) Earle Asphalt Company P.O. Box 556, Farmingdale, NJ 07719	6 PROJECT LOCATION AND DESCRIPTION Little Egg Harbor Township, Ocean County, New Jersey Twin Lakes Boulevard Drainage Improvements
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7 A proposal is required for making the hereinafter described change in accordance with specification and drawing revisions cited herein or listed in attachment hereto. Submit your proposal in space indicated on page 7, attach detailed breakdown of prime and sub-contract costs (See clause of this contract entitled, "Changes" DO NOT start work under this proposed change until you received a copy signed by the Contracting Officer or a directive to proceed)

5/3/23 (Date) JASON A. WORTH, P.E., TOWNSHIP ENGINEER (Type Name and Title)  (Signature)

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

ORIGINAL QUANTITIES ARE REVISED TO REFLECT AS-BUILT QUANTITIES INCLUDING STORM PIPE CHANGES DURING THE COURSE OF THE WORK. EXTRA WORK PERFORMED DUE TO UTILITY CONFLICTS AND TO REPAIR A BULKHEAD AT A STORM PIPE OUTFALL FOR A NEW INVERT ELEVATION.



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

ITEM NO	ITEM DESCRIPTION	UNIT PRICE	ESTIMATED QUANTITY	TOTAL COST
2	INLET FILTER, TYPE 2'4" X 4'	\$0.01	-24.00	(\$0.24)
3	BREAKAWAY BARRICADE	\$0.01	-10.00	(\$0.10)
4	DRUMS	\$0.01	-50.00	(\$0.50)
5	TRAFFIC CONES	\$0.01	-200.00	(\$2.00)
6	CONSTRUCTION SIGNS	\$0.01	-200.00	(\$2.00)
7	UNIFORM LAW ENFORCEMENT OFFICERS	\$89.33	-200.00	(\$17,866.00)
8	FUEL PRICE ADJUSTMENT	\$1.00	11775.78	\$11,775.78
9	ASPHALT PRICE ADJUSTMENT	\$1.00	12855.05	\$12,855.05
11	EXCAVATION, TEST PIT	\$0.01	-18.00	(\$0.18)
12	EXCAVATION, UNCLASSIFIED	\$60.00	-50.00	(\$3,000.00)
13	DGA BASE COURSE, VARIABLE THICKNESS	\$5.35	-985.00	(\$5,269.75)
15	TACK COAT 64-22	\$0.01	-1178.00	(\$11.78)
17	HMA 19M64 BASE COURSE, 2.5" THICK	\$88.00	250.36	\$72,011.68
18	HMA 9.5M64 SURFACE COURSE, 1.5" THICK	\$95.00	1157.39	\$109,952.05
19	TEMPORARY PAVEMENT REPAIR (TRANCHES)	\$0.01	-85.00	(\$0.85)
20	12" HDPE	\$50.00	148.00	\$7,400.00
21	12" DIP	\$100.00	766.00	\$76,600.00
22	14" DIP	\$110.00	-585.00	(\$64,350.00)
23	15" HDPE	\$65.00	-397.00	(\$25,805.00)
25	18" HDPE	\$120.00	-37.00	(\$4,440.00)
26	CLEANING EXISTING DRAINAGE PIPE, 18" OR LESS	\$30.00	-100.00	(\$3,000.00)
27	INLET, TYPE 'A'	\$4,000.00	-1.00	(\$4,000.00)
28	INLET, TYPE 'B'	\$4,000.00	-1.00	(\$4,000.00)
30	HMA DRIVEWAY, 2" THICK	\$35.00	-105.00	(\$3,675.00)
31	CONCRETE DRIVEWAY, REINFORCED, 6" THICK	\$107.50	89.00	\$9,567.50
33	STONE DRIVEWAY, 4" THICK	\$15.00	102.00	\$1,530.00
35	6" X VARIABLE HEIGHT CONCRETE VERTICAL CURB	\$32.00	-355.00	(\$11,360.00)
36	6" X 6" WOOD EDGING	\$17.50	784.00	\$13,720.00
37	CONCRETE SIDEWALK, 4" THICK	\$85.00	-9.00	(\$765.00)
38	TRAFFIC MARKINGS, THERMOPLASTIC	\$7.50	-72.00	(\$540.00)
39	REGULATORY WARNING SIGN, TYPE GA	\$40.00	-12.50	(\$500.00)
41	WATER MAIN LOOP	\$2,000.00	-1.00	(\$2,000.00)
42	RELOCATE SANITARY SEWER SERVICE CONNECTION	\$500.00	-3.00	(\$1,500.00)
43	RESET MANHOLE, SANITARY SEWER USING EXISTING CASTING	\$400.00	-5.00	(\$2,000.00)
E-1	8" DIP	\$150.00	90.00	\$13,500.00
E-2	BULKHEAD REPAIR AT OUTFALL	\$9,750.00	1.00	\$9,750.00

TOTAL COST OF THIS MODIFICATION **\$134,589.41**

The contract time is hereby increased decrease or remains the same by 341 calendar days as a result of this modification.

The foregoing modification is hereby accepted.

 CONTRACTOR _____ OWNER (NJPE SEAL)  ENGINEER
 BY: EARLE ASPHALT COMPANY BY: LITTLE EGG HARBOR TOWNSHIP BY: T&M ASSOCIATES
 DATE: 5/3/23 DATE: _____ DATE: 5/3/23

APPROVAL: _____
STATE OF NEW JERSEY DATE: _____

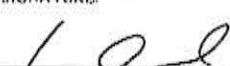
CONTRACT MODIFICATION PROPOSAL AND ACCEPTANCE

9 ISSUING OFFICE T&M Associates	10. PROJECT NO 5340579-04	11. CONTRACT NO LEHT-01842	12. MODIFICATION NO 1
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13. CONTRACTOR'S PROPOSAL - CHANGE IN CONTRACT PRICE
(Detailed breakdown, attach additional sheets as necessary)
(Proposed)

Changes to adjust for as-built quantities and for Extra Work Items. See attached details for Extra Work Items. Changes are proposed as follows:

ITEM NO.	ITEM DESCRIPTION	UNIT PRICE	ESTIMATED QUANTITY	TOTAL COST
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NET INCREASE \$134,589.41	NET DECREASE	CALENDAR DAYS INCREASE 341 Days
DATE: 5/13/23	CONTRACTOR NAME AND TITLE: EARLE ASPHALT COMPANY	SIGNATURE: 

CONTRACT MODIFICATION PROPOSAL AND ACCEPTANCE

14. ISSUING OFFICE & PROJECT NO <p style="text-align: center;">T&M ASSOCIATES</p>	15. CONTRACT NO <p style="text-align: center;">LEHT-01842</p>	16. MODIFICATION NO <p style="text-align: center;">1</p>
17. ORIGINAL CONTRACT BID PRICE TOTAL OF PREVIOUS CHANGE ORDERS TOTAL CONTRACT COST INCLUDING CHANGE ORDERS		\$1,528,813.13 \$0.00 \$1,663,402.54
18. NECESSITY FOR CHANGE AND REASON FOR OMISSION FROM PLANS AND SPECIFICATIONS: <p style="text-align: center;">ORIGINAL QUANTITIES ARE REVISED TO REFLECT AS-BUILT QUANTITIES INCLUDING STORM PIPE CHANGES DURING THE COURSE OF THE WORK, EXTRA WORK PERFORMED DUE TO UTILITY CONFLICTS AND TO REPAIR A BULKHEAD AT A STORM PIPE OUTFALL FOR A NEW INVERT ELEVATION.</p>		
19. OTHER IMPACTS RESULTANT OF THIS CHANGE: <p style="text-align: center;">None</p>		
20. RESUME OF NEGOTIATIONS OR RECOMMENDATIONS (Loanee's Representative): <p>Extra work associated with the contract modifications have been discussed and endorsed by the Mayor and Committee, presented to and approved by the Contractor to be added to the current contract. Project Engineer has reviewed the costs associated with Modification No. 1 and finds them to be fair and reasonable. Presented to NJDEP for consideration as Modification No. 1.</p>		
DATE: <p style="text-align: center;">5/3/23</p>	TYPE NAME AND TITLE OF LOANEE'S REPRESENTATIVE: <p style="text-align: center;">JASON A. WORTH TOWNSHIP ENGINEER</p>	SIGNATURE: 