

# County of Passaic

## Board of County Commissioners



### OFFICE OF COUNTY COMMISSIONERS

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Nadege D. Allwaters, Esq.  
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Louis E. Imhof, RMC  
Clerk Of The Board

Date: Feb 13, 2024 - 5:30 PM

Agenda: RESOLUTION AUTHORIZING CHANGE ORDER NO. 3 FOR SMITH-SONDY ASPHALT CONSTRUCTION COMPANY INC., FOR THE 2022 PASSAIC COUNTY ROADWAY RESURFACING PROJECT, PURSUANT TO N.J.A.C. 5:30-11.3 ET SEQ.

THIS RESOLUTION WAS REQUESTED BY:  
ENGINEERING

REVIEWED BY:

Matthew P. Jordan, Esq.

APPROVED AS TO FORM AND LEGALITY:

Nadege D. Allwaters, Esq.

<b>Official Resolution#</b>	
Meeting Date	2/13/2024
Introduced Date	2/7/2024
Adopted Date	
Agenda Item	34.
CAF#	G-01-45-700-022-911
Purchase Req. #	
Result	

Public Works

COMMITTEE NAME

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 3 FOR SMITH-SONDY ASPHALT CONSTRUCTION COMPANY INC., FOR THE 2022 PASSAIC COUNTY ROADWAY RESURFACING PROJECT, PURSUANT TO N.J.A.C. 5:30-11.3 ET SEQ.**

**WHEREAS**, the County of Passaic (hereafter “County”) is a body politic and corporate pursuant to N.J.S.A. 40:18-1 and vested with all rights contained therein; and

**WHEREAS**, pursuant to N.J.S.A. 40:20-1 the Board of County Commissioners of the County of Passaic (hereafter “Board”) is vested with managing the property, finances, and affairs of the County; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-4, et seq., every contract awarded by the County, for the provision or performance of any goods or services, the cost of which in the aggregate exceeds the bid threshold, shall be awarded only by resolution of the Board to the lowest responsible bidder after public advertising for bids and bidding thereof; and

**WHEREAS**, on June 28, 2022, the Purchasing Agent issued C-22-016, 2022 Passaic County Road Resurfacing Program (hereafter “C-22-016”) seeking sealed proposals from qualified bidders for the 2022 County Road Resurfacing Program; and

**WHEREAS**, on July 19, 2022, the Board approved Resolution No. R-22-0694, authorizing an award of contract to Smith-Sondy Asphalt Construction Company Inc., as the lowest responsible bidder to the project under C-22-016, in the amount of four million, five hundred seventy-seven thousand, two hundred seventy-four dollars and ninety-five cents (\$4,577,274.95) pursuant to N.J.S.A. 40A:11-4, et seq.; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-11.3, et seq. the Board can authorize, permit, or accept change orders for work performed, services rendered, materials, supplies or equipment delivered or provided pursuant to the conditions as set forth therein; and

**WHEREAS**, on June 27, 2023, the Board passed Resolution No. R-23-0529, authorizing Change Order No. 1, in the increased amount of one hundred seventy-five thousand, eight hundred sixty-seven dollars and fifteen cents (\$175,867.15), for a new total award amount, as a result of the increase, in the amount of four million, seven hundred fifty-three thousand, one hundred forty-two dollars and ten cents (\$4,753,142.10); and

**WHEREAS**, on November 21, 2023, the Board passed Resolution No. R-23-1072, authorizing Change Order No. 2, in the decreased amount of five hundred fifty-five dollars and fifty-seven cents (\$555.57), for a new total award amount, as a result of the deduction, in the amount of four million seven hundred fifty-two thousand five hundred eighty-six dollars and fifty-three cents (\$4,752,586.53); and

**WHEREAS**, the Passaic County Engineer is recommending that Change Order No. 3, be authorized for a net addition to the contract for the project under C-22-016 in the amount of sixty-five thousand two hundred seventy-eight dollars (\$65,278.00) for emergency pavement repair on Greenwood Lake Turnpike due to pavement damage from a car fire, emergency pavement repair for pavement damaged by downed overhead electrical line, and traffic video detection system, with a new total contract award, as a result of the increase, in the amount of four million, eight hundred seventeen thousand eight hundred sixty-four dollars and fifty-three cents (\$4,817,864.53); and

**WHEREAS**, funds are available in Account No. G-01-45-700-022-911, or any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds has been contingently certified by the Chief Financial Officer subject to sufficient funds being appropriated by the Board in the 2024 and/or subsequent years’ County budget(s), which is attached to and made part of this Resolution; and

**WHEREAS**, the majority of this project will be funded by the New Jersey Department of Transportation (hereafter “NJDOT”) County Aid Grant; and

**WHEREAS**, this matter was discussed at the February 7, 2024 meeting of the Public Works Committee, and is being recommended to the Board for approval.

**NOW, THEREFORE, LET IT BE RESOLVED**, pursuant to N.J.A.C. 5:30-11.3, et seq., the Board of County Commissioners of the County of Passaic approves Change Order No. 3, for the contract with Smith-Sondy Asphalt Construction Company Inc, under C-22-016, in the increased amount of sixty-five thousand two hundred seventy-eight dollars (\$65,278.00), with a new total contract award, as a result of the increase, in the amount of four million, eight hundred seventeen thousand eight hundred sixty-four dollars and fifty-three cents (\$4,817,864.53).

**LET IT BE FURTHER RESOLVED**, that the County Engineer is authorized and directed to comply with all of the general requirements for change orders as set forth in N.J.A.C. 5:30-11.3, et seq.

**LET IT BE FURTHER RESOLVED**, that the Clerk of the Board, County Counsel, County Engineer, and Director of the Board of County Commissioners are authorized an agreement and Form SA-1 for NJDOT Change Orders and to take any other action necessary to carry out the purpose of this Resolution.

KJB

February 13, 2024