

# County of Passaic

## Board of County Commissioners



### OFFICE OF COUNTY COMMISSIONERS

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

Date: Feb 13, 2024 - 5:30 PM

Agenda: RESOLUTION AUTHORIZING THE CHANGE ORDER NO. 3 TO M & M  
CONSTRUCTION COMPANY, INC., FOR THE LAMBERT CASTLE CARRIAGE HOUSE  
RESTORATION AND REHABILITATION PROJECT, PER BID C-22-023, PURSUANT TO N.J.A.C.  
5:30-11.3 ET SEQ.

THIS RESOLUTION WAS REQUESTED BY:  
CULTURAL AND HISTORIC AFFAIRS

REVIEWED BY:

Matthew P. Jordan, Esq.

APPROVED AS TO FORM AND LEGALITY:

Nadege D. Allwaters, Esq.

| Official Resolution# |                     |
|----------------------|---------------------|
| Meeting Date         | 2/13/2024           |
| Introduced Date      | 2/7/2024            |
| Adopted Date         |                     |
| Agenda Item          | 43.                 |
| CAF#                 | C-04-55-162-001-901 |
| Purchase Req. #      |                     |
| Result               |                     |

Public Works

COMMITTEE NAME

**RESOLUTION AUTHORIZING THE CHANGE ORDER NO. 3 TO M & M CONSTRUCTION COMPANY, INC., FOR THE LAMBERT CASTLE CARRIAGE HOUSE RESTORATION AND REHABILITATION PROJECT, PER BID C-22-023, 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 [40A:11-3], 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 November 22, 2022 the Board passed Resolution No. R-22-1050, authorizing an award of contract to M & M Construction Company, Inc., as lowest responsible bidder to C-22-023, Lambert Castle Carriage House Restoration and Rehabilitation Project (hereafter “Project”); 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 May 9, 2023, the Board passed Resolution No. R-23-0462 authorizing Change Order No. 1 to M&M Construction Company, Inc., for the Project in the increased amount of twenty-one thousand one hundred eight dollars and twenty-eight cents (\$21,108.28), with a new total contract award, as a result of the increase, in the amount of five million one hundred eighty-one thousand one hundred one dollars and twenty-eight cents (\$5,181,101.28); and

**WHEREAS**, on September 2, 2023, the Board passed Resolution No. R-23-0897, authorizing Change Order No. 2 to M&M Construction Company, Inc., for the Project in the increased amount of seven thousand eight hundred ninety-nine dollars and thirty-nine cents (\$7,899.39), with a new total contract award, as a result of the increase, in the amount of five million one hundred eighty-nine thousand sixty-seven cents (\$5,189,000.67)

**WHEREAS**, the Director of the Department of Cultural & Historic Affairs is recommending that Change Order No. 3 be authorized for a net addition to the contract for the Project in the amount of fifty-five thousand four hundred seventeen dollars and sixty-six cents (\$55,417.66), to make previously unforeseen utility upgrades now needed to complete the Project, with a new total contract award, as a result of the increase, in the amount of five million two hundred forty-four thousand four hundred eighteen dollars and thirty-three cents (\$5,244,418.33); and

**WHEREAS**, funds are available in Account No. C-04-55-162-001-901, 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**, this matter was discussed at the February 7, 2024 meeting of the Public Works Committee, and is being recommended to the Board for approval; and

**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 approve Change Order No. 3, in the increased amount of fifty-five thousand four hundred seventeen dollars and sixty-six cents (\$55,417.66) to M & M Construction Company, Inc., for the necessary additions to the contract awarded under C-22-023 and described herein, as recommended by the Director of the Department of Cultural & Historic Affairs with a new total contract award in the amount of five million two hundred forty-four thousand four hundred eighteen dollars and thirty-three cents (\$5,244,418.33).

**LET IT BE FURTHER RESOLVED**, that the Director of the Department of Cultural & Historic Affairs 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, Director of the Department of Cultural & Historic Affairs, and Director of Board of County Commissioners are authorized to take any other action necessary to carry out the purpose of this Resolution.

KJB

February 13, 2024