

# County of Passaic

## Board of County Commissioners



### OFFICE OF COUNTY COMMISSIONERS

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

Date: Apr 09, 2024 - 5:30 PM

Agenda: RESOLUTION AUTHORIZING CHANGE ORDER NO. 4 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	4/9/2024
Introduced Date	4/2/2024
Adopted Date	
Agenda Item	47.
CAF#	
Purchase Req. #	
Result	

Public Works

COMMITTEE NAME

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 4 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, 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**, in compliance with N.J.A.C. 5:30-11.3 et seq., the Board has approved the following change orders for the Project to date:

<b>CHANGE ORDER</b>	<b>AMOUNT</b>	<b>ADJUSTED CONTRACT</b>	<b>RESOLUTION</b>
Change Order No. 1	\$175,867.15	\$4,753,142.10	R-23-0529
Change Order No. 2	(\$555.57)	\$4,752,586.53	R-23-1072
Change Order No. 3	\$65,278.00	\$4,817,864.53	R-24-0128

**WHEREAS**, the Passaic County Engineer is recommending that Change Order No. 4 be authorized for a net deduction to the contract for the project under C-22-016 in the amount of eight thousand two hundred thirteen dollars and seventy-three cents (\$8,213.73) due to field quantity adjustments and supplemental items necessary to complete the project, with a new total contract award, as a result of the decrease, in the amount of four million, eight hundred nine thousand six hundred fifty dollars and eighty cents (\$4,809,650.80); 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 March 27, 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. 4 for the contract with Smith-Sondy Asphalt Construction Company Inc., under C-22-016, in the decreased amount of eight thousand two hundred thirteen dollars and seventy-three cents (\$8,213.73), with a new total contract award, as a result of the decrease, in the amount of four million, eight hundred nine thousand six hundred fifty dollars and eighty cents (\$4,809,650.80).

**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

April 9, 2024