

County of Passaic

Board of County Commissioners



OFFICE OF COUNTY COMMISSIONERS

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Date: Jun 23, 2026 - 5:30 PM

Agenda: RESOLUTION AUTHORIZING CHANGE ORDER NO. 9 AND FINAL TO SMITH SONDY ASPHALT CONSTRUCTION COMPANY FOR THE 2023 ROAD RESURFACING PROJECT, PER BID C-23-010, PURSUANT TO N.J.S.A. 40A:11-16.3(B) ET SEQ.

THIS RESOLUTION WAS REQUESTED BY:
ENGINEERING

REVIEWED BY:

Matthew P. Jordan, Esq.
COUNTY ADMINISTRATOR

APPROVED AS TO FORM AND LEGALITY:

Nadege D. Allwaters, Esq.
COUNTY COUNSEL

Public Works

COMMITTEE NAME

Official Resolution#	
Meeting Date	6/23/2026
Introduced Date	6/17/2026
Adopted Date	
Agenda Item	37.
CAF#	T-21-56-850-000-801
Purchase Req. #	
Result	

RESOLUTION AUTHORIZING CHANGE ORDER NO. 9 AND FINAL TO SMITH SONDY ASPHALT CONSTRUCTION COMPANY FOR THE 2023 ROAD RESURFACING PROJECT, PER BID C-23-010, PURSUANT TO N.J.S.A. 40A:11-16.3(B) 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 July 12, 2023, the Purchasing Agent issued Bid No. C-23-010, County of Passaic Road Resurfacing Program 2023 (hereafter “C-23-010”) seeking sealed proposals from qualified bidders for the 2023 Road Resurfacing Program (hereafter “Project”); and

WHEREAS, on August 8, 2023, the Board passed Resolution No. R-23-0750 authorizing an award of contract to Smith SONDY Asphalt Construction Company, the lowest responsible bidder under C-23-010, in an amount not to exceed four million six hundred twelve thousand one hundred forty dollars and ninety-two cents (\$4,612,140.92); 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, the Board has approved the following change orders for the Project to date:

Change Order	Amount	Adjusted Contract Total	Resolution
1	(\$34,995.00)	\$4,647,135.92	R-24-452
2	\$37,309.00	\$4,684,444.92	R-24-716
3	\$119,803.10	\$4,804,248.02	R-24-900
4	(\$15,946.53)	\$4,788,301.49	R-24-1046
5	\$134,826.69	\$4,923,128.18	R-25-111
6	\$40,332.13	\$4,963,460.31	R-25-575
7	\$342,882.00	\$5,306,342.31	R-25-757
8	(\$75,031.40)	\$5,231,310.91	R-26-0279

WHEREAS, pursuant to N.J.S.A. 40A:11-16.3(b), et seq. the Board can authorize release and final payment upon acceptance of the work performed pursuant to the contract provided that the contract has been completed; and

WHEREAS, the Passaic County Engineer is advising that the Project is complete and conforms to Passaic County’s construction plans, standard specifications, and other engineering standards, and is also requesting that the Board approve the Project’s close out, final acceptance, release of retainage, and final payment to Smith-Sondy Asphalt Construction Company Inc., in the amount of one hundred six thousand nine hundred forty eight dollars and twenty three cents (\$106,948.23);

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

WHEREAS, this matter was discussed at the June 10, 2026 meeting of the Public Works Committee and is being recommended to the Board for approval; and

NOW, THEREFORE, LET IT BE 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 pursuant to N.J.S.A. 40A:11-16.3(b) et seq., by the Passaic County Board of County Commissioners hereby authorizes and approves project close

out, final acceptance, release of retainage, and final payment to Smith-Sondy Asphalt Construction Company Inc., in the amount of one hundred six thousand nine hundred forty eight dollars and twenty three cents (\$106,948.23) for the 2023 Roadway Resurfacing Project, C-23-010, and the Director of Finance is hereby authorized to make payment to said company on the next bill list.

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

ZMQ

June 23, 2026