

# 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  
Clerk Of The Board

Date: Feb 11, 2025 - 5:30 PM

Agenda: RESOLUTION AUTHORIZING CHANGE ORDER NO. 5 TO SMITH SONDY ASPHALT CONSTRUCTION COMPANY, INC., FOR 2023 PASSAIC COUNTY ROAD RESURFACING PROJECT, PER BID C-23-010, 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	2/11/2025
Introduced Date	2/5/2025
Adopted Date	
Agenda Item	31.
CAF#	G-01-45-700-023-911
Purchase Req. #	
Result	

Public Works

COMMITTEE NAME

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 5 TO SMITH SONDY ASPHALT CONSTRUCTION COMPANY, INC., FOR 2023 PASSAIC COUNTY ROAD RESURFACING PROJECT, PER BID C-23-010, 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 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 approved Resolution No. R-23-0750, authorizing an award of contract to Smith Sondy Asphalt Construction Company, Inc., under C-23-010, in an amount not to exceed four million six hundred twelve thousand one hundred forty dollars and two cents (\$4,612,140.02); 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	\$34,995.00	\$4,647,135.92	R-24-0452
Change Order No. 2	\$37,309.00	\$4,684,444.92	R-24-0716
Change Order No. 3	\$119, 803.10	\$4,804,248.02	R-24-900
Change Order No. 4	(\$15,956.53)	\$4,788,301.49	R-24-1046

**WHEREAS**, the Passaic County Engineer is recommending that Change Order No. 5 be authorized for a net increase to the contract for the Project in the amount of one hundred thirty-four thousand eight hundred twenty-six dollars and sixty-nine cents (\$134,826.69), due to quantity adjustments for various base bid items such as asphalt quantity, traffic directors, and traffic safety services allowances, with a new contract award, as a result of the increase of four million nine hundred twenty-three thousand one hundred twenty-eight dollars and eighteen cents (\$4,923,128.18); and

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

**WHEREAS**, funds are available in Account No. G-01-45-700-023-911, 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 2025 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 January 29, 2025 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. 5 for the contract with Smith Sondy Asphalt Construction Company, Inc., under C-23-010, for a net increase

to the contract for the Project in the amount of one hundred thirty-four thousand eight hundred twenty-six dollars and sixty-nine cents (\$134,826.69), with a new contract award, as a result of the increase of four million nine hundred twenty-three thousand one hundred twenty-eight dollars and eighteen cents (\$4,923,128.18).

**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 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.

KJB

February 11, 2025