

# County of Passaic

## Board of County Commissioners



### OFFICE OF COUNTY COMMISSIONERS

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County Counsel  
Louis E. Imhof  
Clerk Of The Board

Date: Feb 11, 2025 - 5:30 PM

Agenda: RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 TO SMITH SONDY ASPHALT CONSTRUCTION COMPANY, INC., FOR THE 2024 PASSAIC COUNTY ROAD RESURFACING PROJECT, PER BID C-24-012, PURSUANT TO N.J.A.C. 5:30-11.10, 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	30.
CAF#	G-01-45-700-024-911
Purchase Req. #	
Result	

Public Works

COMMITTEE NAME

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 TO SMITH SONDY ASPHALT CONSTRUCTION COMPANY, INC., FOR THE 2024 PASSAIC COUNTY ROAD RESURFACING PROJECT, PER BID C-24-012, PURSUANT TO N.J.A.C. 5:30-11.10, ET SEQ.**

**WHEREAS**, the County of Passaic (hereafter “County”) is a government body incorporated pursuant to N.J.S.A. 40:18-1, et seq. 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 decision making powers on behalf 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 May 6, 2024 the Purchasing Agent issued County Of Passaic Road Resurfacing Program, 2024, Bid No. C-24-012 (hereafter “C-24-012”) seeking sealed proposals from qualified bidders for the 2024 County Road Resurfacing Program; and

**WHEREAS**, on May 21, 2024, the Board approved Resolution No. R-24-464 authorizing an award of contract to Smith Soudy Asphalt Construction Company, Inc., under C-24-012, in an amount not to exceed four million six hundred nine thousand three hundred sixty-two dollars and sixty-eight cents (\$4,609,362.68); and

**WHEREAS**, pursuant to N.J.A.C. 5:30-11.10, the County is permitted to increase the award amount under contracts competitively bid pursuant to N.J.S.A. 40A:11-4, where such contracts are deemed open-end contracts, as is the case here; and

**WHEREAS**, on November 18, 2024, the Board passed Resolution No. R-24-1045, authorizing Change Order No. 1 for the project, in the increased amount of two hundred twenty-three thousand four hundred forty-seven dollars (\$223,447.00), with a new total award amount, as a result of the increase, in the amount of four million eight hundred thirty-two thousand eight hundred nine dollars and sixty-eight cents (\$4,832,809.68); and

**WHEREAS**, the Passaic County Engineer is recommending that Change Order No. 2 be authorized for a net addition to the contract for the Project in the amount of one hundred eight thousand two hundred eighty dollars (\$108,280.00), due to additional an increased need in traffic directors and flaggers, and an increase in the Traffic Safety Services allowance to cover additional police department costs needed to complete the project, with a new contract award, as a result of the increase, of four million nine hundred forty-one thousand eighty-nine dollars and sixty-eight cents (\$4,941,089.68); and

**WHEREAS**, this majority of this project is being funded by a 2024 New Jersey Department of Transportation County Aid Grant; and

**WHEREAS**, the funds are available in Account No. G-01-45-700-024-911 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. 2 for the contract with Smith Soudy Asphalt Company, Inc., under C-24-012, for a net addition in the amount of one hundred eight thousand two hundred eighty dollars (\$108,280.00), with a new contract award, as a result of the increase, of four million nine hundred forty-one thousand eighty-nine dollars and

sixty-eight cents (\$4,941,089.68).

**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. 5:30-11.10, 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, 2024