

RESOLUTION # 23-067

PASSAIC VALLEY WATER COMMISSION

RESOLUTION FOR BUDGET AMENDMENT, CHANGE ORDER NO. 1, AND CONTRACT EXTENSION FOR PROJECT NO. 22-Q-13 ENTITLED "PROFESSIONAL SERVICES FOR BUILDING MEP (MECHANICAL, ELECTRICAL, PLUMBING) AND FIRE PROTECTION SYSTEMS"

DATE OF ADOPTION: MAY 24, 2023

Introduced by Commissioner: **JOSEPH KOLODZIEJ**

Seconded by Commissioner: **JEFF LEVINE**

WHEREAS, Project 22-Q-13 entitled "Professional Services for Building MEP (Mechanical, Electrical, Plumbing) and Fire Protection Systems" (the "Project") was awarded to Associated Technology, Inc. ("ATI") of Fairfield, New Jersey at PVWC's Commission Meeting dated September 28, 2022 (PVWC Resolution No. 22-093) in accordance with the authorized scope of work, and with reimbursement to be on a time-and-materials basis, not to exceed \$363,000.00; and

WHEREAS, at PVWC's request, ATI has submitted a proposal dated April 17, 2023 (the "Proposal") to assist the Commission with performing design, developing bidding documents and conducting construction management for upgrading the HVAC systems which is at the end of its useful life for the Clifton Administration and Distribution / Customer Service Buildings; and

WHEREAS, a copy of the Proposal, including a detailed description of the said additional services, is attached hereto and made a part hereof as **Exhibit A**; and

WHEREAS, Proposed Change Order No. 1 increases the total adjusted Contract Price by an additional \$360,000.00 which brings the total adjusted Contract Price to \$435,000.00 and will extend the contract from October 25, 2023 to December 31, 2024; and

WHEREAS, the Director of Engineering has reviewed ATI's Proposal and found it to be reasonable, considering the nature and scope of additional Work involved, and has recommended that the said changes to the Project, and additional costs related thereto, be approved; and

WHEREAS, the said changes will be incorporated into an Amendment to Agreement for the Project, the form of which is also attached hereto and made a part hereof as **Exhibit B**; and

WHEREAS, the additional services to be rendered pursuant hereto constitute professional services (or extraordinary unspecifiable services) within the meaning and intent of the Local Public Contracts Law; and

WHEREAS, PVWC’s Chief Financial Officer has certified, with respect hereto, that funds are currently available for said purpose and a copy of the said certification is attached hereto and made a part hereof as **Exhibit C.**

NOW, THEREFORE, BE IT RESOLVED, by Passaic Valley Water Commission, in the County of Passaic, New Jersey:

- 1. That PVWC hereby approves Change Order No. 1 and time extension and awards the changes to the scope of Work for the Project as set forth hereinabove; and
- 2. That the appropriate officials of PVWC, and such other officers, employees and officials of PVWC, on behalf of PVWC, are hereby authorized to execute and enter into the said Amendment to the Agreement, and to perform such other acts and execute such documents as are necessary to implement the terms and intentions of this Resolution; and
- 3. That this matter shall be advertised as required by New Jersey law, in accordance with an appropriate form of notice, and a copy of this Resolution and Agreement shall be placed on file and made available for inspection at the office of the Administrative Secretary of Passaic Valley Water Commission.

RECORD OF COMMISSION VOTE ON FINAL PASSAGE

| | AYE | NAY | ABSTAIN | ABSENT |
|--------------------------|---------------|---------------|----------------|---------------|
| SANCHEZ, R. | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| COTTON, R. | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| DEPADUA, C. | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| KOLODZIEJ, J. | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| LEVINE, J. | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| VAN RENSALIER, R. | <u> </u> | <u> </u> | <u> </u> | <u> X </u> |
| FRIEND, G. | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |

Adopted at a meeting of Passaic Valley Water Commission.


President
GERALD FRIEND


Secretary
RUBY N. COTTON

This Resolution, when adopted, must remain in the custody of the Administrative Secretary.

CERTIFICATION

I, LOUIS AMODIO, Administrative Secretary of the Passaic Valley Water Commission in the County of Passaic, and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy thereof of the foregoing Resolution duly passed and adopted by a majority of a legal quorum of the full membership of the Passaic Valley Water Commission at its duly noticed and convened meeting of the said Commission on May 24, 2023.


LOUIS AMODIO
Administrative Secretary

EXHIBIT A

Porcaro, Patrick

From: Joseph Keller <jkeller@atiengineers.com>
Sent: Monday, April 17, 2023 3:35 PM
To: Porcaro, Patrick
Cc: Ralph Rocco; Joseph Hendershot
Subject: Proposed HVAC Upgrades at PVWC Clifton Main St. Buildings: Estimated Budgetary Resources for Design Phase Services

Mr. Porcaro,

Confirming our conversation on Friday, March 31, 2023 ATI is authorized to begin detailed engineering design of the proposed HVAC Upgrades outlined in our Draft evaluation report (dated March 07, 2023) at both of the 1525 Main Street, Clifton NJ, site buildings being:

- Distribution and Customer Service Building
- Administration Building

ATI will prepare drawings and specifications for upgraded HVAC systems that will be suitable for bidding by qualified Contractors.

As part of this work, it is known to ATI that PVWC currently has an Architect engaged to do space utilization/relocation renovation projects at both buildings. These renovation projects overlap with building areas that will be upgraded by the ATI designs. ATI will review the Architect’s mechanical plans for HVAC only and propose modifications to the Architect’s plans as necessary to endeavor to make the Architect’s HVAC design compatible with the ATI upgrade design. The Architect’s renovation plans at the Distribution and Customer Service Building are well advanced while the Administration Building renovations have not been issued to ATI.

Since the design work by ATI for the overall HVAC upgrade and the necessary coordination with the PVWC Architect will occur simultaneously, it was agreed that ATI would invoice for services on both building projects on an hourly fee basis.

ESTIMATED BUDGETARY RESOURCES (Fee Compensation)

We suggest PVWC initially allocate Estimated Budgetary Resources equal to 10% of the opinion of probable construction cost for the design phase fee to ATI. The Draft evaluation report (dated March 07, 2023) identified a probable construction cost budget for the two building’s upgrades, as follows: Distribution of Customer Service Building @ \$1.95 M, and Administration Building @ \$1.65 M

| HVAC Upgrade Project: | Estimated Budgetary Resources (Design Fee) |
|--|--|
| <ul style="list-style-type: none"> • Distribution of Customer Service Building: | \$195,000 |
| <ul style="list-style-type: none"> • Administration Building: | \$165,000 |

Fees are developed based on the level of effort and ATI’s standard hourly rates:

ASSUMPTIONS AND CLARIFICATIONS

1. Complete as-built Architectural floor plans (to scale) are provided to ATI in AutoCAD and PDF formats.
2. Where there are approved changes to work already completed, or changes in scope, or additional services are requested or required, we will be paid additional compensation on a time-card basis according to ATI’s standard billing rates. Otherwise, alternate proposals will be provided before proceeding.
3. Should the HVAC renovation project require the addition of architectural design services in support of the HVAC upgrade project for things such as; replacement ceilings, soffits, pipe chases, architectural finishes and in-fill of demolished equipment including fan coils, radiators, etc.; then these architectural services could be provided as additional services under a separate subcontracted Architect scope.
4. Construction Administration Services are available for additional hourly fee basis. These services can typically include:
 - Bid Negotiations.
 - Review of Contractor Schedule and Payment Schedule of Valves.

- Review of Contractor Payment Applications.
- Review of Contractor prepared Submittal to ensure compliance with project requirements.
- Review of Contractor Requests for Information (RFIs).
- Provide site observation visits to review construction progress.
- Prepare Punch List for uncompleted work upon receipt of substantial completion request of Contractor.
- Provide review of Contractors close-out documentation.

5. Excludes any consultations, or design for remediation of, any Hazardous Asbestos Containing Materials (HACM).

If you have any questions, or need additional information, or require a formal proposal, please let us know.

Very truly yours,

Joseph J. Keller, PE, LEED AP, DCEP
Engineering Director

Associated Technology, Inc. (ATI)
Mechanical, Electrical, & Plumbing Consulting Engineers
695 US Highway 46, STE 102
Fairfield, NJ 07004-1561

862-702-3833 (Voice), Extension 206
862-702-3837 (Facsimile)
908-601-2600 (Mobile)
www.atengineers.com

EXHIBIT B

**PASSAIC VALLEY WATER COMMISSION
AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES
(PROJECT 22-Q-13)**

THIS AMENDMENT TO AGREEMENT (hereinafter "AMENDMENT") made as of _____, 20__ between PASSAIC VALLEY WATER COMMISSION ("PVWC"), a Public Utility Company organized pursuant to its enabling statute (N.J.S.A. 40:62-108 et seq.), having its principal place of business at 1525 Main Avenue, Clifton, New Jersey 07011, and Associated Technology, Inc., a professional firm (hereinafter "PROFESSIONAL" and/or "contractor") having a place of business at 695 US Highway 46, Suite 102, Fairfield, New Jersey 07004.

WHEREAS, this AMENDMENT hereby modifies the original signed and executed agreement (the "AGREEMENT") with PVWC and PROFESSIONAL who was awarded Project 22-Q-13 entitled " Professional Services for Building MEP (Mechanical, Electrical, Plumbing) and Fire Protection Systems" (hereinafter the "PROJECT") at PVWC's Commission Meeting dated September 28, 2023 (PVWC Resolution 22-093); and

WHEREAS, the original scope set forth in the PROFESSIONAL'S proposal for the PROJECT is hereby modified as set forth in PROFESSIONAL's proposal dated April 17, 2023, a copy of which is attached hereto and made a part hereof as Exhibit A; and

WHEREAS, the previously approved not-to-exceed total amount of \$75,000.00 for the PROJECT (Resolution No. 22-093) is hereby increased by \$360,000.00 for a revised not-to-exceed total amount of \$435,000.00; and

WHEREAS, the PROFESSIONAL will be reimbursed (on a time-and-materials, not-to-exceed basis) for the said additional professional services; and

All other provisions of the AGREEMENT remain in full force and effect.

ASSOCIATED TECHNOLOGY, INC.

Witness or Attest

By: _____
Secretary

(Seal)

By: _____
Authorized Signatory

PASSAIC VALLEY WATER COMMISSION

By: _____
LOUIS AMODIO
Administrative Secretary

By: _____
GERALD FRIEND
President

EXHIBIT C

OFFICE OF THE COMPTROLLER

CERTIFICATION OF AVAILABILITY OF FUNDS

It is hereby certified that subject to Commission approval of future Budgets, with respect to multi-budget year contracts, there are or will be sufficient available funds for expenditures to be incurred as result of any contract or commitment to be entered into by Passaic Valley Water Commission as follows:

Description of Project or Contract: Change Order # 1 – Contract Extension
Project 22-Q-13 – Associated Technology Inc.
Professional Series for Building MEP (Mechanical,
Electrical, Plumbing) and Fire Protection Systems

Amount of Project or Contract: \$435,000.00 (from \$75,000.00)

1. Acct: # 001-3002-424-72-21
PROFESSIONAL SERVICE –Distribution
2. Specific Appropriation to which expenditures will be charged:
BUDGET 2023/2024

Other comments: Professional Services

Date of Certification: May 24, 2023 Certified: \$360,000.00



Yitzchak Weiss
Comptroller and Chief Financial Officer

YW:lb
