

CITY COUNCIL

The City of Orange Township, New Jersey

DATE October 18, 2022

NUMBER 413-2022

TITLE:

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT FUNDS FOR THE CITY OF ORANGE TOWNSHIP FOR 2014 TRANSPORTATION ALTERNATIVES PROGRAM FOR THE HIGHLAND AVNEUE TRAIN STATION REHABILITATION IN THE AMOUNT OF \$599,030.83.

WHEREAS, the City of Orange Township is a participating municipality in the New Jersey Department of Transportation; and

WHEREAS, on February 27, 2020, the City of Orange Township submitted an Exception Request letter requesting an increase in the grant award; and

WHEREAS, on September 9, 2022 the New Jersey Department of Transportation advised the City of Orange Township that it had been selected to receive additional funding for the Highland Avenue Train Station Rehabilitation; and

WHEREAS, the City of Orange Township hereby accepts the funds under the New Jersey Department 2014 Transportation Alternatives Program in the amount of \$599,030.83.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council does hereby authorize the Mayor to accept funding from the New Jersey Department of Transportation Alternatives Program.

Adopted: **October 18, 2022**

Joyce L. Lanier
City Clerk

Tency A. Eason
Council President

 AMI ZRANI



State of New Jersey

DEPARTMENT OF TRANSPORTATION
P.O. Box 600
Trenton, New Jersey 08625-0600

PHILIP D. MURPHY
Governor

DIANE GUTIERREZ-SCACCETTI
Commissioner

SHEILA Y. OLIVER
Lt. Governor

September 9, 2022

Bureau of Local Aid- Newark
153 Halsey St. -5th Floor
Newark, NJ 07102
862-350-5730

Marty Mayes
Director
Department of Public Works
Planning And Economic Development
29 N. Day St.
Orange, New Jersey 07050

RE: Highland Avenue Train Station Rehabilitation
City of Orange Township, Essex County
2014 Transportation Alternatives Program
Federal Project Number: HSIP-0638(300)CON

Dear Mr. Mayes:

On September 6, 2022, the Federal Highway Administration (FHWA) authorized funding in the amount of \$1,213,030.83 for construction for the above captioned Federal Aid Highway Program project.

Requirements for this project include, but are not limited to, the following:

Advertisement of Contract

- As per the NJDOT Procedures for Federal Aid Projects in the Division of Local Aid and Economic Development's Federal Aid Handbook, the City of Orange is required to advertise for construction bids within 60 calendar days from the date of this letter. The project shall be advertised once a week for a minimum of three (3) consecutive weeks in at least two (2) legal newspapers. Bids may be taken a minimum of 10 days following the

final advertisement. Copies of all advertisements must be submitted to the Department of Transportation.

- **The following language must appear in the bid solicitation: “Proposals are being solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.3, et seq., and as such, contractors are exempt from the limitations on making political contributions under that law. Further, for that reason, as well as because of a language in the New Jersey’s Annual Appropriations Act, refusal to disclose campaign contributions otherwise required by N.J.S.A. 19:44A-20.3 et seq. and 19:44A-20.25 et seq., will not adversely affect your consideration for award.”**
- **The City of Orange must send NJDOT a schedule of advertisement and anticipated bid date, start date for construction, and a current construction bar chart (Critical Path Method Schedule.) prior to advertisement.**
- A draft copy of the advertisement must be submitted to the Local Aid Project Manager for review and approval prior to bid solicitation.
- The City of Orange may use their own format for the bid proposal; however, the construction items and quantities must be the same as the final plans, specs and estimate; as submitted with the authorization request. Any modifications to the construction items and quantities will require FHWA’s prior approval and authorization.
- The Disadvantaged Business Enterprise goal is 0%. These requirements should be indicated in the proper locations on Federal Attachment No. 1.
- The number of Training Positions will be ‘0’ where feasible consisting of at least ‘0’ Apprentices and ‘0’ Trainees (Total Trainees Hours = 0). These requirements should be indicated in the proper locations on Federal Attachment No. 2.
- It is recommended that the DBE and Trainee goal be included in the bid advertisement.
- Prevailing wage rates determined by the United States Secretary of Labor and the New Jersey Department of Labor must be used. **Download these no more than ten (10) days prior to advertisement and insert into the final bid specifications.** If the prevailing wage rate prescribed for any craft by the United States Secretary of Labor is not the same as the prevailing wage rate prescribed for that craft by the New Jersey Department of Labor, pay the higher rate.
 - General wage determinations issued under Davis-Bacon and related acts, published by US Department of Labor, may be obtained from the Wage Determinations online website at <https://sam.gov/search?index=dba>. Select state, county and construction type heading: HIGHWAY where the Project is to be performed then click Search.
 - State wage rates may be obtained from the New Jersey Department of Labor & Workforce Development (Telephone: 609-292-2259) or by accessing the

Department of Labor & Workforce Development's website at https://www.nj.gov/labor/wagehour/wagerate/prevailing_wage_determinations.html. The State wage rates in effect at the time of award are part of this Contract, pursuant to Chapter 150, Laws of 1963 (N.J.S.A. 34:11-56.25 et seq.).

- If an employee of the Contractor or subcontractor has been paid a rate of wages less than the prevailing wage, the Department may suspend the Work, and declare the Contractor in default.
- Contract completion date as noted in the bid documents must be specified in the project specifications with provisions for liquidated damages as per NJDOT 2019 Standard Specifications for Road and Bridge Construction section 108.20.
- **A full set of bid documents including Prevailing Wage Rates must be submitted to the Local Aid Project Manager at the time of advertisement.**
- The latest form FHWA-1273 (Revised July 5, 2022) must be included in the bid document.

Pre-Award of Contract

Immediately after the five day following the bid opening, the City of Orange will be required to email to the Local Aid project manager as well as cc. DOT-CR.Verifications@dot.nj.gov a list of all responsive bidders as determined by the City of Orange's Legal Department in the order of lowest bidder to highest bidder.

The process for contractors who fail to meet the contract goal can be found in Section 102.13.01 of the 2019 NJDOT Specifications.

NOTE: THE City of Orange MAY NOT AWARD A CONTRACT PRIOR TO THE DEPARTMENT'S APPROVAL AS PER SECTION 102.15 "DISQUALIFICATION OF BIDDERS" IN THE PROJECT SPECIFICATION.

Bid Analysis

- The City of Orange must complete and submit a copy of the bid analysis prepared in accordance with the FHWA's Guidelines on Preparing Engineer's Estimate, Bid Reviews and Evaluation, dated October 7, 2021 {Formerly T5080.4}. These Guidelines are available at: <http://www.fhwa.dot.gov/programadmin/contracts/ta508046.pdf>.
- The bid analysis must be reviewed and accepted by NJDOT Local Aid prior to award of construction contract.

Award of Contract

- Recipients must award a construction contract within 4 months of the date of this notification. Failure to award construction within 4 months of NJDOT's letter may result in the withdrawal of funding. Withdrawal of funds may require the project to be reprogrammed by the applicable MPO and rescheduled for inclusion in the Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP) and reauthorization of funds by FHWA. This could result in significant project delays.
- Upon award of construction contract, please submit the following to this office for our concurrence in the award of construction contract:
 - Certified copy of the bid summary
 - Original resolution of award
 - Affidavits of advertisements
 - Written verification that the contractor and/or subcontractors are not on the debarred list
- If the bids are rejected for any reason, this office must be notified in writing before re-advertising. A written justification for the denial must also be submitted.

Executed Contract/Agreement Submittal

- A copy of the executed contract/agreement between the City of Orange and the prime contractor must be submitted to the Local Aid Project Manager prior to the pre-construction meeting.
- The City of Orange may not enter into a written contract prior to the concurrence of award by NJDOT Local Aid.

Project Agreement (included under separate cover letter)

- Return four (4) original signed and sealed copies of the attached agreement along with a signed/sealed Resolution for execution by the Department. DO NOT enter the date on page 1.
- Signed copies of the agreement should be returned within 45 days.
- No reimburseable work can be performed until the project agreement is executed by the NJDOT.

Billing

- NJDOT must receive an initial billing (payment voucher) from the recipient for the construction project no later than 3 months after NJDOT has concurred in the award of the construction contract. NJDOT may receive subsequent billings (payment vouchers) on a

monthly basis after the initial billing but no later than 3 months thereafter as stipulated in the project agreement. Failure to meet the billing requirements may result in the restriction of authorization of any future FWHA funding until such time as progress on timely billings is demonstrated.

- The project will be considered "Inactive" if the City of Orange fails to submit an invoice within the durations described in 23 CFR 630.106. It is the City of Orange responsibility to ensure that the federal funding is not jeopardized for this project due to an "Inactive" project status.

Final Inspection and Closeout

- Requests for final inspection and acceptance to NJDOT shall be made by the recipient no later than 30 days following Substantial Completion of construction.
- Close-out documents shall be submitted by the recipient to NJDOT within 6 months of receipt of acceptance by NJDOT.

Failure to meet the time requirements for project close-out may result in the restriction of authorization of future FWHA funding until such time as progress on close-out is demonstrated.

All projects constructed with Federal funds require full-time construction inspection and oversight. Failure to follow the Federal guidelines may result in the loss of Federal reimbursement.

Recipients may appeal decisions made by NJDOT regarding all above compliance issues on a case-by-case basis, but NJDOT reserves the right to make a final determination whether to continue funding the project or not. NJDOT will be reviewing the status of the federal-aid agreement and the issues associated with compliance on a monthly basis.

Should you require any additional information, please contact me at 862-350-5730.

Sincerely,



Ebony Johnson
Manager
Bureau of Local Aid, District 2, Newark

Attachment



Department of Administration
City of Orange Township
29 North Day Street, Orange, NJ 07050
Dwayne D. Warren, Esq.
Mayor

Public Works Department
Phone: (973) 266-4030
Fax: (973) 266-4029

Engineering Department
Phone: (973) 266-4031
Fax: (973) 266-4029

February 27, 2020

Director Laine Rankin
Division of Local Aid and Economic Development
New Jersey Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625-0600

Re: Exception Request for Highland Avenue Train Station Rehabilitation
Project: Federal Project Number: HSIP-0638(300) CON
Job Code Number. 6105307

Dear Director Rankin:

Please accept our request for an increase in the grant award amount for the above project on behalf of the City of Orange Township. On March 23, 2015, the City was awarded a grant in the amount of \$614,000.00 to commence work on the rehabilitation and eventual opening of the Highland Avenue Train Station in the Valley section of Orange. Shortly after receiving the commitment of the funds, the City engaged an engineer and obtained an estimate of project cost. The project cost was estimated in the upper limits of the grant award.

In the three years that lapsed between the time that the grant was awarded and the commencement date of the project, prices have increased beyond the amount of the grant award. The increased costs include critical services such as abatement and removal of asbestos and other environmental hazardous material and construction labor and material cost.

In sum, we respectfully request an increased award amount of \$599,030.83 for the following reasons:

- 1- Stale Asbestos Removal Estimates. The original submitted cost for abatement was based on a three year old estimate and costs have increased significantly from that period.
- 2- Hazardous condition increased in area and intensity. The asbestos and other hazardous material have spread to other areas of the building that were not included in the original estimate. This has caused hazardous material to spread to the entire lower space beneath the full accessible area of the train station.

3- Material and Labor Costs. From the original project estimate date in 2015, the cost for materials and labor have increased.

Please be advised that our request is of urgent concern and extremely necessary to prevent further increased project costs. Our ultimate effort is to ensure the protection of public health. If our request is granted, the total project will increase by \$599,030.83 for a total project cost of \$1,213,030.83. The new project total cost is consistent with current fair market value for the nature of our project.

Please contact Mr. Marty Mayes, Director of Public Works and Economic Development via email at mmayes@orangenj.gov, or cell at (973) 885-1921 to expedite any additional questions or concerns.

Thank you for your attention to this request.

Sincerely,

A handwritten signature in cursive script that reads "Dwayne D. Warren".

Dwayne D. Warren, Esq.
Mayor

Cc: Marty Mayes, Director of Public Works/Panning & Economic Development
Project File