

CITY COUNCIL

The City of Orange Township, New Jersey

DATE January 2, 2024

NUMBER 15-2024

TITLE: A RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 AND CHANGE ORDER NO. 3 TO MODIFY THE CONTRACT FOR THE PROJECT KNOWN AS THE MILITARY PARK REHABILITATION TO S. BATATA CONSTRUCTION, INC., 238 ERNSTON ROAD, SUITE 1R, PARLIN, NEW JERSEY 08859 IN THE AMOUNT NOT TO EXCEED \$49,850.00.

WHEREAS, the City Council did authorize the Mayor and the Municipal Clerk to execute an agreement with S. Batata Construction, Inc., 238 Ernston Road, Suite 1R, Parlin, New Jersey 08859 in the amount of One Million, Four Thousand, Nine Hundred Forty-Four Dollars and Zero Cents, (\$1,004,944.00) as per Resolution #430-2022 for the Military Park Rehabilitation Project; and

WHEREAS, Change Order No. 2 is for various lighting upgrades; and

WHEREAS, Change Order No. 3 is for fencing upgrades; and

WHEREAS, the request to modify the contract was found to be justifiable by the project consultant and the Director of Public Works/Engineering; and

WHEREAS, S. Batata Construction, Inc., did submit Change Order No. 2 and No. 3 in the amount of \$49,850.00 (+10.9%); and

WHEREAS, Change Order No. 2 and Change Order No. 3 is required to be approved for the construction of Military Park Rehabilitation, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Chief Financial Officer of the City of Orange Township has prepared the necessary Certificate of Availability of Funds certifying that funds are available for this change order in Account No. G-02-41-684-000-001.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the City of Orange Township that Change Order No. 2 and Changer Order No. 3 are hereby approved thereby increasing the amount of the Agreement by Forty Nine Thousand , Eight Hundred Fifty Dollars and Zero Cents (\$49,850.00).

BE IT FURTHER RESOLVED that the Mayor and the Municipal Clerk are hereby authorized to execute and deliver all such documents required to authorize and approve such change order.

Adopted: **January 2, 2024**

Joyce L. Lanier
City Clerk

Tency A. Eason
Council President

 A. M. Eason

CITY OF ORANGE
FINANCE DEPARTMENT

CERTIFICATION OF FUNDS
GRANT TRUST ACCOUNT

I, Nile Clements, Chief Financial Officer for the City of Orange, do hereby certify to the best of my knowledge and belief that there are now sufficient funds in the following Grant account(s) to Contract with:

Vendor Name: S. Batata Construction, Inc.
Address#1: 238 Ernston Road
Suite 1R

City: Parlin
State: NJ
Zip Code: 08859

Purpose: Change Orders 2, 3 for Military Park Rehab

Fund: Current Fund - Grants
Account Name Urban Parks - Green Acres Grant '22
Account Numbers(s): G-02-41-684-000-001
Balance Before 308,941.00
Requested 49,850.00
Balance After 259,091.00

Vendor ID: SBATA005

Purchase Order # : 22-01938

Amount not to exceed: \$49,850.00

Division Head

Date

Nile Clements

12/27/2023

Chief Financial Officer

Date

CITY COUNCIL**The City of Orange Township, New Jersey**DATE November 1, 2022NUMBER 430-2022

TITLE: A RESOLUTION AUTHORIZING THE AWARDING OF A CONTRACT FOR THE MILITARY PARK REHABILITATION PROJECT TO S. BATATA CONSTRUCTION, INC. 238 ERNSTON ROAD, SUITE 1R, PARLIN, NEW JERSEY 08859 IN THE AMOUNT NOT TO EXCEED \$1,004,944.00.

WHEREAS, the City of Orange Township did duly advertise on September 6, 2022 for public bids for the Military Park Rehabilitation Project ; and

WHEREAS, on September 28, 2022 the City of Orange Township received five (5) public bids pursuant to the plans and specifications furnished prospective bidders, from the following:

Bidder's Name	Total Base Bid Amount
S. Batata Construction, Inc. Parlin, New Jersey	\$1,004,944.00
Grade Construction Paterson, New Jersey	\$1,170,156.62
A-Tech Concrete Co. Edison, New Jersey	\$1,801,357.00
Thomas & Sons Builders New Milford, New Jersey	\$1,191,205.00
Zenith Construction Services Orange, New Jersey	\$1,334,043.00

WHEREAS, it is the recommendation of the Consulting Engineer that the contracted be awarded; and

WHEREAS, the Director of Public Works & Engineering and Law Department did duly examine and study each and every bid submitted and recommends that a contract be awarded to the lowest responsible bidder, pursuant to said specifications and said limits, by the following company:

COMPANY:**BASE BID:**

S. Batata Construction, Inc.
238 Ernston Road, Suite 1R
Parlin, New Jersey 08859

\$1,004,944.00

WHEREAS, the aforementioned S. Batata Construction, Inc. has furnished the City of Orange Township, with a Ten Percent (10%) Stockholder Affidavit in accordance with Assembly Bill OCR-A-22; and,

WHEREAS, S. Batata Construction, Inc. has completed and submitted a Business Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee in the City in the previous one (1) year, except that the year 2005 is an exception to this requirement as the one year immediately proceeding the effective date of the Law, as that term is defined below, and that the contract will prohibit S. Batata Construction, Inc. from making any reportable contributions throughout the term of the contract; and

WHEREAS, the Chief Financial Officer of the City of Orange Township has prepared the necessary Certificate of Availability of Funds, copy of which is attached hereto and made a part hereof as it set



forth in length herein, certifying that monies are available in Account No.G-02-41-684-000-001 (\$985,385.00) and Account No. T-11-00-000-000-000 (\$19,559.00)

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Orange Township, New Jersey that a contract be awarded for the Military Park Rehabilitation Project to S. Batata Construction, Inc., the aforesaid lowest responsive bidder, in the amount not to exceed \$1,004,944.00.

BE IT FURTHER RESOLVED, that the proper officers of the City of Orange Township, be and they are hereby authorized to return to the unsuccessful bidders, the certified checks, cashier's checks or bid bonds, evidencing their guarantee in accordance with the provisions of N.J.S.A. 40A:11-24.

Adopted: November 1, 2022


Joyce L. Lanier
City Clerk


Tency A. Eason
Council President

RESOLUTION NO. 430-2022

ON CONSENT AGENDA

REGULAR COUNCIL MEETING – November 1, 2022

MOTION TO ADOPT: Montague, III

SECOND: Coley

YEAS: Coley, Hilbert, Montague, III, Ross, Summers-Johnson, Wooten & Council President Eason

NAYS: None

ABSTENTIONS: None

ABSENCES: None



City of Orange
 BILL TO: 29 N. Day Street
 Orange, NJ 07050

PROPOSAL

DATE: July 18, 2023

JOB: Military Park Rehabilitation
 Change Order 2

DESCRIPTION	AMOUNT
2A. Existing Water Connection @ \$7,500.00	\$7,500.00
2B. 30' Flag Pole @ \$7,500.00	\$7,500.00
2C. Decut Item 38: New 1" Water Service @ (\$12,500.00)	(\$12,500.00)
2D. Concrete Base for Entry Sign @ \$4,500.00	\$4,500.00
2E. Fence around Flag Pole Area @ \$2,500.00	\$2,500.00
2F. LED Flag Lighting @ \$3,200.00	\$3,200.00
2G. Decorative Pole Lighting Upgrade @ \$2,000.00	\$2,000.00
2H. Sub-Panel at Gathering Area @ \$9,000.00	\$9,000.00
2I. Deduct Item 11: Decorative Logo @ (\$25,000.00)	(\$25,000.00)
2J. Stone Face for Concrete Base for Entry Sign @ \$3,000.00	\$3,000.00
2K. Bollards, Pad & Enclosurement for Exposed Sprinkler Pipes @ \$4,500.00	\$4,500.00
2L. Additional Shrubs and Trees @ \$9,900.00	\$9,900.00
2M. Benches, Receptacle, Pad and Bushses for Bus Stop @ \$15,000.00	\$15,000.00
TOTAL	\$31,100.00

*WAS
THIS APPROVED*

THANK YOU FOR YOUR BUSINESS

Tel: 732-238-8884
 Fax: 732-238-9022

SBE Certified
 An Equal Opportunity Employer

238 Ernston Road, Suite 1R
 Parlin, NJ 08859

AIA® Document G701™ – 2017

Change Order

PROJECT: <i>(name and address)</i> Military Park Rehabilitation	CONTRACT INFORMATION: Contract For: Date:	CHANGE ORDER INFORMATION: Change Order Number: 3 and Final Date: July 18, 2023
OWNER: <i>(name and address)</i> City of Orange 29 N. Day Street Orange, NJ 07050	ARCHITECT: <i>(name and address)</i> Frank Rotonda 5383 Gagnon Terrace North Port, FL 34291	CONTRACTOR: <i>(name and address)</i> S. Batata Construction, Inc 238 Ernston Road, Suite B1 Parlin, NJ 08859

The Contract is changed as follows:
(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

Please see attached back-ups for Change Order 3.

The original <u>(Contract Sum)</u> (Guaranteed Maximum Price) was	\$	<u>\$1,004,944.00</u>
The net change by previously authorized Change Orders	\$	<u>\$91,100.00</u>
The <u>(Contract Sum)</u> (Guaranteed Maximum Price) prior to this Change Order was	\$	<u>\$1,096,044.00</u>
The (Contract Sum) (Guaranteed Maximum Price) will be <u>(increased)</u> (decreased) (unchanged) by this Change Order in the amount of	\$	<u>\$18,750.00</u>
The new <u>(Contract Sum)</u> (Guaranteed Maximum Price), including this Change Order, will be	\$	<u>\$1,114,794.00</u>
The Contract Time will be (increased) (decreased) <u>(unchanged)</u> by		() days.
The new date of Substantial Completion will be		

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

 ARCHITECT <i>(Firm name)</i>	 CONTRACTOR <i>(Firm name)</i>	 OWNER <i>(Firm name)</i>
 SIGNATURE	 SIGNATURE	 SIGNATURE
ERIC DEEN PRINTED NAME AND TITLE	Joseph Zaga, Vice President PRINTED NAME AND TITLE	 PRINTED NAME AND TITLE
12/28/23 DATE	9/26/23 DATE	 DATE

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.



City of Orange
BILL TO: 29 N. Day Street
Orange, NJ 07050

PROPOSAL

DATE: September 26, 2023

JOB: Military Park Rehabilitation
Change Order 3

DESCRIPTION	AMOUNT
3A. Deduct Item 37: Wrought Iron Fencing @ (\$30,000)	(\$30,000.00)
3B. Fencing Upgrade @ \$48,750.00	\$48,750.00
TOTAL	\$18,750.00

THANK YOU FOR YOUR BUSINESS

Tel: 732-238-8884
Fax: 732-238-9022

SBE Certified
An Equal Opportunity Employer

238 Ernston Road, Suite 1R
Parlin, NJ 08859

AIA® Document G701™ – 2017

Change Order

PROJECT: <i>(name and address)</i> Military Park Rehabilitation	CONTRACT INFORMATION: Contract For: Date:	CHANGE ORDER INFORMATION: Change Order Number: 2 Date: July 18, 2023
OWNER: <i>(name and address)</i> City of Orange 29 N. Day Street Orange, NJ 07050	ARCHITECT: <i>(name and address)</i> Frank Rolonda 5383 Gagnon Terrace North Port, FL 34291	CONTRACTOR: <i>(name and address)</i> S. Batata Construction, Inc 238 Ernston Road, Suite B1 Parlin, NJ 08859

The Contract is changed as follows:
(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

Please see attached back-ups for Change Order 2.

The original <u>(Contract Sum)</u> (Guaranteed Maximum Price) was	\$	<u>\$1,004,944.00</u>
The net change by previously authorized Change Orders	\$	<u>\$60,000.00</u>
The <u>(Contract Sum)</u> (Guaranteed Maximum Price) prior to this Change Order was	\$	<u>\$1,064,944.00</u>
The (Contract Sum) (Guaranteed Maximum Price) will be <u>(increased)</u> (decreased) (unchanged) by this Change Order in the amount of	\$	<u>\$31,100.00</u>
The new <u>(Contract Sum)</u> (Guaranteed Maximum Price), including this Change Order, will be	\$	<u>\$1,096,044.00</u>
The Contract Time will be (increased) (decreased) <u>(unchanged)</u> by		() days.
The new date of Substantial Completion will be		

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

<u>FRANK ROLONDA</u> ARCHITECT (Firm name)	<u>S. Batata Construction, Inc.</u> CONTRACTOR (Firm name)	<u></u> OWNER (Firm name)
<u>[Signature]</u> SIGNATURE	<u>[Signature]</u> SIGNATURE	<u></u> SIGNATURE
<u>ENGINER</u> PRINTED NAME AND TITLE	<u>Josede Zago Vice President</u> PRINTED NAME AND TITLE	<u></u> PRINTED NAME AND TITLE
<u>12/26/23</u> DATE	<u>7/18/23</u> DATE	<u></u> DATE

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.