

RESOLUTION OF THE TOWNSHIP OF IRVINGTON, NJ

No. DPW14-1015-34

Date of Adoption OCTOBER 15, 2014

APPROVED AS TO FORM AND LEGALITY ON THE BASIS OF FACTS SET FORTH BY

Legislative Research Officer

PRESENTED BY COUNCIL MEMBER

JONES

SECONDED BY

COX

RESOLUTION INCREASING THE NOT TO EXCEED AMOUNT FOR THE POT HOLE REPAIR CONTRACT

WHEREAS, resolution number DPW 14-0909-28 was approved by the Municipal Council on September 09, 2014 to repair various pot holes in the Township; and

WHEREAS, the total contract amount for this project was \$45,000.00 for one year starting on August 28, 2014 until August 28, 2015; and

WHEREAS, the Director of Public Works has advised that based upon the tonnage amount calculated additional monies must be added to this contract; and

WHEREAS, it was determined that additional \$35,000.00 is needed to complete pot hole repairs around the Township; and

THEREFORE, BE IT RESOLVED, that the contract for Pot Hole repair service is hereby amended to an amount not to exceed \$80,000.00 to JAK Construction Corp., T/A Diamond of 35 Beaverson Blvd., Brick, NJ 08723; and,

BE IT RESOLVED, that the Mayor be and is hereby authorized to execute amended contract for this service with JAK Construction Corp., T/A Diamond of 35 Beaverson Blvd., Brick, NJ 08723, increasing the total contract amount to \$80,000.00.

BE IT RESOLVED, that the required certification of availability of funds was obtained from the Chief Financial Officer by purchase order number 14-04459 from account number 4-01-21-165-165-118.

RECORD OF COUNCIL VOTE

X = Indicates Vote N.V. = No Vote A.B. = Absent

COUNCIL MEMBER	YES	NO	N.V.	A.B.	COUNCIL MEMBER	YES	NO	N.V.	A.B.
BURGESS, 1ST VICE PRESIDENT	X				JONES, 2ND VICE PRESIDENT	X			
COX	X				LYONS	X			
HUDLEY	X				FREDERIC, PRESIDENT	X			
INMAN				X					

PRESIDENT OF COUNCIL

MUNICIPAL CLERK

DATE OCT 15, 2014

I hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Municipal Council. In witness whereof I have hereunto set my hand and the Corporate Seal of the Township of Irvington.

MUNICIPAL CLERK

DATE OCT. 15, 2014

BA ☐ BLDG ☐ CFO ☒ COURT ☐ DHS ☐ DHW ☐ DPW ☒ ENG ☐ FIRE ☐ INIC ☐ JUDGE ☐ LIBR ☐ LICEN ☐ LEGAL ☐ MAYOR ☐ OCDP~DIR ☐
OCDP~AD ☐ P&R ☐ PAYROLL ☐ POL~DIR ☐ POL~CF ☐ PURCH ☐ SEC~PB/BA ☐ TAX ☐ TAX~AS ☐ TAX~COL ☐ TRAFFIC ☐ UEZ ☐
ZONING~OFF ☐ DLGS ☐ GNCD ☐ OTHER(S): Bud Folder



TOWNSHIP OF IRVINGTON
Department of Revenue & Finance

Division of Purchasing
IRVINGTON MUNICIPAL BUILDING
CIVIC SQUARE, IRVINGTON, NJ 07111

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TONY VAUSS
MAYOR

Faheem J. Ra'Oof
Director of Revenue
Finance

Chief Financial Officer

Date: October 14, 2014

To: Harold Wiener, Township Clerk

Cc: Faheem Ra'Oof, Chief Financial Officer

From: Althea Headley, Qualified Purchasing Agent

Subject: Resolution for Pot Holes Repair

Please be advised that on July 30, 2014 the Township advertised for bids for pot holes repairs. The Township bided this project by tonnage as the total number of streets along with the total tonnage amount was unavailable.

Two vendors bided on this project and submitted the total bid price per ton as follows:

John Garcia Construction Co., Inc - \$1,149.00 per ton

JAK CONSTR. CORP T/A Diamond Construction \$800.00 per ton

For budget purposes, it was determined that the estimated value of the this contract for one year, would cost the Township, \$45,000.00. After the vendor started working, it was determined that it would be best for the contractor to repair all pot holes in the Township, as such more tons of asphalt would be needed, as a result increasing the not to exceed amount of the contract. In addition, due to price adjustment law for asphalt, most engineers bid asphalts project per ton in lieu of total contract amount.

Thank you for your attention in this matter.

Encl.- Bid specification and tabulations

Reminder: Please submit one(1) original (unbound) and four(4) additional (bound) sets of the sealed submission.

BID FORM

The undersigned states that they have carefully examined the advertisement, instructions and detailed scope of service, rules and regulations for pot holes repair services.

1. Pot Hole Repair , price per Ton of asphalt \$ 800⁰⁰

Total Amount of Bid \$ \$800⁰⁰ (total amount in figures)

\$ Eight Hundred Dollars and Zero Cents
(total amount in words)

JOHN KOVAS representing DIAMOND CONSTRUCTION am authorized to execute this proposal and bind the company to fulfill the terms and conditions of the service proposal.

John Kovan
Company Signature

35 BEAVERSON BLVD

Street Address Name Typed or Printed

BRICK, NJ 08723

Town State Zip Code

732-262-7449

Phone Number

IMPORTANT: THIS FORM MUST BE SUBMITTED BY THE BIDDER

2.18 W-9

Successful bidder/respondent shall complete W-9 Form and Submit to Purchasing prior to contract award. The form is available at the following link: <http://www.irs.gov/pub/irs-pdf/fw9.pdf>

2.19 Bid Security

Bidders must submit a bid security in the amount of ten percent (10%) of the bid, but not in excess of \$20,000.00. A consent of surety shall also be required with the bid. The successful bidder will be required to furnish and pay for a satisfactory Surety Performance Bond on a statutory form in the full amount of the contract or purchase order.

3.0 Scope of Work

3.1 Description

This work consists of the repair of potholes at various locations throughout the Township as designated by the Director of Public Works or his designee. The complete repair shall consist of the removal of all debris and moisture from each pothole, application of a tack coat to each pothole and the installation of hot mix asphalt into each pot hole, which shall then be properly compacted. The use of all appropriate safety equipment in conducting this operation shall also be included as a part of this work.

3.2 Materials

Materials shall conform to the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, (NJSS), 2007 edition as amended and updated, Subsection 401.02.

Tack Coat shall be cutback asphalt, rapid curing grade RC-70, conforming to NJSS Subsection 901.01.02.

Asphalt shall be Hot Mix Asphalt Surface Course, 9.5 M64, 3" Thick (maximum thickness).

All signs and safety devices shall conform to the requirements of the Manual of Uniform Traffic Control Devices and the Occupational Safety and Health Act (OSHA), CFR 1926.

3.3 Method of Construction

The area of each pot hole shall be dry and swept clean or blown out with compressed air of any debris or loose asphalt to produce an opening that is completely void of all dirt and loose materials. The surface temperature of the area to be patched shall not be less than 35° F. A tack coat of material shall be applied to the existing surface at the rate of 0.02 to 0.10 gallons per square yard prior to the placing of any bituminous surface course material. The cost of the tack coat shall be included in the price bid for this item as no separate payment will be made for tack.

The pot hole will be filled with asphaltic material and shall consist of Hot Mix Asphalt Surface Course, 9.5 M64 and shall have a completely fill the pot hole. The installed material shall have a minimum temperature of 200° F. This material shall then be properly compacted. Compaction shall be accomplished by any appropriate means.

In the installation of asphalt, the contractor shall conform to applicable safety practices and no separate payment will be made for any safety equipment.

3.4 Quantity and Payment

The quantity of POT HOLE REPAIR for which payment shall be made will be at the price per ton the actual amount of asphalt installed as directed by the Township. The contractor shall supply certified weight slips for all materials used in this work.

Payment for POT HOLE REPAIR will be made for the quantity as determined above at the price bid per ton. The bid price shall include the cleaning and conditioning of the surface, furnishing and applying the tack coat, furnishing, placing, spreading and compacting the material, and the deployment of all necessary safety equipment and all labor, materials, equipment and all else necessary therefore and incidental thereto to completely perform the work to be done under this item in accordance with these specifications.

5. P.L. 2009, c.187 (A-436/S-2833): *Permits price adjustments in local public contracts for asphalt cement and fuel. Effective with contracts executed after May 1, 2010.*

In today's economy, the price of petroleum-based products can have a significant impact on construction contracts that involve large amounts of asphalt and those that use large amounts of gas or diesel fuel. Uncertainty in petroleum price fluctuations adds price risk to construction bid calculations. That uncertainty can cause bidders to increase costs to cover the price risk. This new law follows procedures historically used by the State Department of Transportation (DoT) to allow for increases and decreases in asphalt and fuel prices over the course of large construction contracts. See 2007 NJDOT Specifications – Division 150 Contract Requirements, Section 160.01 through 160.03.

The law requires that paving contracts involving more than 1,000 tons of hot mix asphalt include a contract provision that allows for price adjustments in the cost of asphalt. Fuel price adjustments are based on DoT standards for the type of construction equipment and the work done by different equipment. For fuel price adjustments, at least 500 gallons of fuel based on the DoT equipment standards are required for a price adjustment, and then, only in those months when the price fluctuated more than five percent.

DoT maintains a web site of index rates for asphalt and fuel that are adjusted monthly. The law provides that when the quantity or equipment use thresholds are reached, fuel price adjustments are made, using the change in index rate from the time of bidding to when the work was performed. The change is treated as a "pay item" in construction contracts.

This practice is not new to most engineers that prepare bid specifications. The law provides price risk protection to bidders, allowing better bids using "sharper pencils," reduces the risk of change orders that may be intended to cover price increases, and allows the contracting unit to take advantage of reductions in pricing over the life of a contract.

The Division will consult with engineering and other affected organizations and provide additional guidance on this prior to the effective date of May 1, 2010.