

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION # 39-2024

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 AND AN AMENDATORY CONTRACT FOR
THE PHOENIX HOUSE STRUCTURAL UPGRADES AND INTERIOR RESTORATION PROJECT**

WHEREAS, the Borough of Mendham awarded a professional service agreement to Connolly & Hickey to perform architectural services in conjunction with the Phoenix House Structural Upgrades and Interior Restoration Project (the “Project”); and

WHEREAS, per the attached certification from Connolly & Hickey dated January 3, 2023, the demolition/discovery phase of the Project unexpectedly revealed significant structural deficiencies, resulting in the need to modify the contract from the originally estimated quantities needed for the Project, increasing the total contract price; and

WHEREAS, these deficiencies could not be reasonably foreseen prior to bidding the Project because they could not have been anticipated until the walls and ceilings were open; and

WHEREAS, the cost of the Change Order No. 1 dated December 21, 2023, attached hereto and incorporated herein, is \$225,499.89, increasing the total contract price to \$580,097.89; and

WHEREAS, the increase exceeds the 20% limitation set forth in N.J.A.C. 5:30-11.3, and

WHEREAS, in accordance with N.J.A.C. 5:30-11.3, the Borough must follow the procedures set forth in N.J.A.C. 5:30–11.9 to complete the work; and

WHEREAS, in accordance with N.J.A.C. 5:30–11.9, Connolly & Hickey has submitted a request for the change order, along with a certification setting forth why the additional work is required, why the additional work could not have been foreseen, why the change order would be in the best interest of the Borough, and why approving the change order would not constitute an abuse of N.J.A.C. 5:30–11.9; and

WHEREAS, the Borough Administrator has submitted to the Borough Council the request for the change order and the certification, noting that the total cost remains within the grant amounts awarded to the Borough, resulting in no budgetary affect; and

WHEREAS, the request was discussed by the Borough Council at the January 5, 2024 Council meeting; and

WHEREAS, the Borough Attorney has reviewed the documentation and found it to be in

accordance with the Local Public Contracts Law and requirements for change orders; and

WHEREAS, the Borough Council has determined that the additional work is justified under the circumstances and desires to authorize Change Order No. 1 and award an amendatory contract to Connolly & Hickey to proceed with Project; and

WHEREAS, the Chief Financial Officer has certified that funds for Change Order No. 1 are available.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor Borough Council of the Borough of Mendham, County of Morris, State of New Jersey, as follows.

1. Change Order No. 1 dated December 21, 2023 in the amount of \$225,499.89 is hereby authorized.
2. The Borough is authorized to amend the original contract, attached hereto and incorporated herein, with Connelly & Hickey in an amount not to exceed \$225,499.89 for the additional work detailed in Change Order No. 1.
3. The Clerk shall report to the Director, Division of Local Government Services on an appendix to Borough's annual budget all change orders from the previous fiscal year which exceeded 20% limitation on a form provided by the Director, and a summary of the report shall be included as supplemental material in the annual audit of the Borough.
4. Notice of this action shall be published in the official newspapers for the Borough of Mendham.
5. This Resolution shall take effect immediately

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Dated: January 17, 2024

ATTEST

BOROUGH OF MENDHAM

Lauren McBride, Acting Borough Clerk

Christine Serrano Glassner, Mayor