

RESOLUTION RE: AUTHORIZATION TO EXECUTE AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT FOR BIDDING AND CONSTRUCTION PHASE CONSULTING ENGINEERING SERVICES

WHEREAS, an original AGREEMENT was made on the 23rd day of November 2016, by and between the SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY, having its administrative offices at 34 South Route 94, Lafayette, New Jersey, hereinafter called the “Authority” or “SCMUA”; and CORNERSTONE Engineering Group, LLC a corporation of the State of New Jersey with offices located at 100 Crystal Run Road, Suite 101, Middletown, NY 10941 hereinafter called “CORNERSTONE”.

WHEREAS, that Agreement addressed Bidding and Construction Phase Consulting Engineering Services incidental to the SCMUA Landfill Life Extension Project (Project) at its Solid Waste Facilities; and

WHEREAS, said Agreement set forth a “not to exceed” amount of \$270,000 as the agreed compensation for the performance of all Services incorporated into Article 1 of the Agreement; and

WHEREAS, Cornerstone submitted a request dated 8/14/17 for consideration of an increase in total compensation based upon perceived increased effort and/or increased scope of services for the following issues:

1. Bid Evaluation Phase (more extensive
2. than anticipated)
3. As-Built Drawings (alleged change in scope)
4. Record Drawings provided by SCMUA (differs from actual field conditions)
5. Aerial Topography Survey provided by SCMUA (differs from actual survey conditions)
6. Interim Completion Date (necessitates 2 Certification Reports)
7. NJDEP Specifications Modification (subsequent to bid)
8. Additional RE&I (due to alleged “difficult” Contractor); and

WHEREAS, SCMUA prepared a review memo dated 8/16/17 summarizing SCMUA position regarding Cornerstone's above request; and

WHEREAS, it was subsequently determined by the SCMUA Construction Review Committee and approved by the SCMUA Board of Commissioners that an amount of \$40,000 (14.8%) shall be increased to the original Agreement based upon full resolution of the above issues, with exception of the following:

- Item 1. Bid Evaluation Phase (Agreed to be within Original Scope)
- Item 2. As-Built Drawings (Agreed to be within Original Scope)
- Item 7. Difficult Contractor (Agreed to be within Original Scope); and


WHEREAS, both Cornerstone and SCMUA agree that the negotiated increase of \$40,000 settles, in full, Cornerstone's claim for compensation for additional work performed per the 8/14/17 request; and

WHEREAS, the SCMUA Treasurer has certified that adequate funds are available.

NOW THEREFORE, be it resolved by the SCMUA Board of Commissioners that:

1. The Chairman and Secretary of the SCMUA are hereby authorized to execute Amendment No.1 to the November 23, 2016 Agreement by and between Cornerstone and SCMUA.
2. Article 3.1 of the November 23, 2016 Agreement by and between Cornerstone and SCMUA is hereby modified (increased) by \$40,000, from \$270,000 to \$310,000.
3. All other Articles and provisions contained within the original Agreement shall remain in full force and effect.
4. The effective date of Amendment No. 1 shall be November 1, 2017.

Certified as a true copy of the Resolution
Adopted by the Commissioners at their Regular
Meeting held on Wednesday, November 1, 2017.


Andrea Cocula, Secretary