



# UNION COUNTY IMPROVEMENT AUTHORITY

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Resolution No. 53-2015

Date: July 8, 2015

**RESOLUTION OF THE UNION COUNTY IMPROVEMENT AUTHORITY  
AUTHORIZING THE EXECUTIVE DIRECTOR TO IDENTIFY A FIRM  
TO ASSESS THE EXTENT OF THE AUTHORITY'S DAMAGES  
RESULTING FROM THE CONTRACTOR'S FAILURE TO PERFORM IN  
CONNECTION WITH THE CONSTRUCTION OF THE NEW UNION  
COUNTY FAMILY COURT BUILDING AT CHERRY STREET,  
ELIZABETH, NEW JERSEY.**

APPROVED AS TO FORM:

Lisa M. da Silva, RMC  
Clerk of the Authority

*Lisa M. da Silva*

APPROVED AS TO SUFFICIENCY OF FUNDS

YES [ ] NO [ ] NONE REQUIRED

UNION COUNTY IMPROVEMENT AUTHORITY

*M. W. B. [Signature]*

	PRESENT	ABSENT	AYE	NAY	ABSTAIN	MOTION	SECOND
<i>Bornstad</i>	✓		✓			✓	
<i>D'Elia</i>	✓		✓				✓
<i>Hines</i>		✓					
<i>Hockaday</i>	✓		✓				
<i>Salerno, Secretary</i>	✓		✓				
<i>Tomko, Treasurer</i>		✓					
<i>Vollero</i>		✓					
<i>Rountree, Vice Chair</i>	✓		✓			"	
<i>Scutari, Chairman</i>	✓		✓				

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**WHEREAS**, the Union County Improvement Authority (the "Authority") has been duly created by ordinance of the Union County Board of Chosen Freeholders as a public body corporate and politic of the State of New Jersey pursuant to and in accordance with the County Improvement Authorities Law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, as amended and supplemented from time to time (the "Act"); and

**WHEREAS**, the Authority has entered into a Shared Services Agreement dated November 1, 2011 with the County of Union (the "County"), pursuant to the Uniformed Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, *et seq.*, in which the County has requested that the Authority assist it with the design, financing, management and construction of a new Family Court Building and Parking Deck for the Superior Court, County of Union (the "Project") in Elizabeth, New Jersey, and the Authority has agreed to undertake all actions necessary to implement the Project; and

**WHEREAS**, in or about February 2013, the Authority published a notice of bids pursuant to New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.* for the Construction of the Project (the "Project Services"), and on March 13, 2013, it received eleven (11) for the Project Services, all of which were over budget; and

**WHEREAS**, on June 12, 2013, the Authority awarded a contract (the "Contract") for the construction of the new Union County Family Court Building to APS Contracting Inc. as the lowest responsible bid, exclusive of the deduct alternate, in accordance with N.J.S.A. 40A: 11-1 *et seq.*; and

**WHEREAS**, APS Contracting Inc. has failed to perform in accordance with the terms and conditions of the Contract documents; and

**WHEREAS**, APS Contracting Inc.'s failure to perform has jeopardized the timely completion and caused damages to the Project; and

**WHEREAS**, the Authority believes it has and will continue to incur damages due to APS's failure to perform in accordance with the terms and conditions of the Contract documents; and

**WHEREAS**, the Authority may require assistance to assess the extent to which it has suffered damages caused by APS's failure to perform in accordance with the terms and conditions of the Contract documents; and

**WHEREAS**, the Authority desires to authorize the Executive Director to take any and all actions necessary to identify a firm to assess the extent to which the Authority has and continues to be damaged resulting from APS's failure to perform in accordance with the terms and conditions of the Contract documents; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Authority that:

1. The Executive Director is hereby formally authorized and directed to take any and all actions necessary to identify a firm to assess the extent of the Authority's damages caused by APS's failure to perform in accordance with the terms and conditions of the Contract documents.
2. This resolution shall take effect immediately.