

UNION COUNTY IMPROVEMENT AUTHORITY

1499 US Highway One, North, 3rd Floor
 Rahway, New Jersey, 07065
 www.ucimprovementauthority.org
 (732) 382-9400 (732) 382-5862 fax

Resolution No. 91-2015

Date: January 6, 2016

**RESOLUTION OF THE UNION COUNTY IMPROVEMENT AUTHORITY
 AUTHORIZING THE EXECUTIVE DIRECTOR TO ACCEPT THE
 RECOMMENDATION OF NETTA ARCHITECHTS AND VERIFICATION
 OF MAST CONSTRUCTION IN CONNECTION WITH THE STONE
 PANEL SYSTEM ASSOCIATED 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

APPROVED AS TO SUFFICIENCY OF FUNDS
 YES NO NONE REQUIRED
 UNION COUNTY IMPROVEMENT AUTHORITY

Lisa M. da Silva

[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> | ✓ | | ✓ | | | | |

Resolution No. 91-2015

Date: January 6, 2016

**RESOLUTION OF THE UNION COUNTY IMPROVEMENT AUTHORITY
AUTHORIZING THE EXECUTIVE DIRECTOR TO ACCEPT THE
RECOMMENDATION OF NETTA ARCHITECHTS AND VERIFICATION
OF MAST CONSTRUCTION IN CONNECTION WITH THE STONE
PANEL SYSTEM ASSOCIATED WITH THE CONSTRUCTION OF THE
NEW UNION COUNTY FAMILY COURT BUILDING AT CHERRY
STREET, ELIZABETH, NEW JERSEY.**

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

WHEREAS, in accordance with the Contract and applicable law, Fidelity and Deposit Company of Maryland and Zurich American Insurance Company ("Surety") issued a Performance/Payment/Warranty Bond, identified as Bond No. PRF8359373, dated June 24, 2013, on behalf of APS in connection with the Project; and

WHEREAS, in accordance with the Contract, APS is responsible for the fabrication and installation of stone panels ("Stone Panel Work") in connection with the Project; and

WHEREAS, APS failed to perform the Stone Panel Work in accordance with the terms and conditions of the Contract documents; and

WHEREAS, APS's failure to perform jeopardized the timely completion and caused damages to the Project; and

WHEREAS, on or about April 30, 2015, the Authority declared APS to be in default under the Contract and terminated APS's right to proceed with work under the Contract; and

WHEREAS, on or about July 16th, 2015, the Authority and Surety entered into a Takeover Agreement in which the Surety became responsible to complete the Project; and

WHEREAS, in an effort to determine the damages caused by APS's failure to perform the Stone Panel Work, Curtainwall Design Consulting ("CDC") prepared a Stone Panel Report. CDC's Stone Panel Report concluded that the Stone Panel Work performed by APS was entirely defective and determined that an entirely new stone cladding and support system was needed for the Project; and

WHEREAS, On January 5, 2016, Surety submitted a Substitution Request to the Authority to use TerraCORE stone panel system ("TerraCORE") instead of the original specified exterior stone cladding and support system ("Original Stone Panel System"), a copy of which is attached hereto as **Exhibit A**; and

WHEREAS, Pursuant to the Surety's Substitution Request, TerraCORE is a more expensive stone panel system than the Original Stone Panel System and will be installed at no extra cost to the Authority; and

WHEREAS, Netta Architects ("Netta") has reviewed Surety's Substitution Request and recommends that TerraCORE should be substituted with the Original Stone Panel System, a copy of Netta's recommendation is attached hereto as **Exhibit B**; and

WHEREAS, Mast Construction ("MAST") has reviewed the Surety's Substitution Request and verifies that Surety has included all of the required content requested by the Authority, a copy of MAST's verification is attached hereto as **Exhibit C**; and

WHEREAS, the Authority desires to authorize the Executive Director to take any and all actions necessary to accept the recommendations and verifications made by Netta and Mast in connection with the Stone Panel Work to the Project.

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 accept the recommendation made by Netta (**Exhibit B**) and verification made by MAST (**Exhibit C**) to use TerraCORE for the Stone Panel Work in connection with the Project.
2. The Stone Panel Work will be performed in accordance with the Substitution Request Letter submitted by the Surety, a copy of which is attached hereto as **Exhibit A**.
3. This resolution shall take effect immediately.

Perini Management Services, Inc.
73 Mt. Wayte Avenue
Framingham, Massachusetts 01701-9160
T: 508.628.2000 F: 508.628.2357



January 5, 2016

Union County Improvement Authority
1499 Routes 1 & 9 North
Rahway, NJ 07065

Attn: Mr. Daniel Sullivan, Executive Director

Subject: Union County Family Court Building

Re: Substitution Request – Exterior Stone Cladding and Support System

Dear Dan:

As a follow up to our December 30, 2015 meeting with PMSI, CDC, TerraCORE, MAST, Netta Architects and the Union County Improvement Authority (UCIA), below is a summary of the benefits associated with the TerraCORE Stone Panel system and why we are requesting this system be approved as a substitute to the specified 2" thick dimensional stone system. Our position is that using the TerraCORE system would be more appropriate based on the existing building conditions than the originally specified system and would be done at no additional cost to the Owner.

The TerraCORE Stone Panel system is comprised of a stone veneer, approximately ¼" thick, which is attached by epoxy to an aluminum honeycomb backing with a solid aluminum plate on the interior face. The overall panel thickness is 1" and is attached to the building using an extruded aluminum hanger system which in turn is connected to the main supporting trusses by double aluminum angles. The stone veneer used would be from the same material that the 2" dimensional stone would be produced from. As a result, there will be no visual difference when looking at the dimensional stone or TerraCORE panels. The matched appearance will be required since the copings, window sills and planter stone would remain 2" dimensional stone with the TerraCORE panels utilized on the building elevations. Additionally, the TerraCORE panels are able to be manufactured with the same reveal, return and miter details indicated in the design documents.

CDC would be engaged to perform the engineering of the attachment of the TerraCORE panels to the building structure. They have done this on approximately 30 projects in recent years working directly for TerraCORE. As you are aware, CDC is currently engaged on the project performing various consulting and engineering activities related to the existing exterior stone cladding system. Having CDC perform the engineering of the replacement stone panel anchorage design is a benefit to the project based on their intimate knowledge of both the existing structural conditions as well as the TerraCORE system. CDC has also reviewed the extensive testing performed on the manufactured panels and endorses its use on the project.

As discussed in our meeting, the two main factors driving our pursuit of the TerraCORE system are its ability to accommodate the as-built steel truss installation and speed of the stone panel installation. With the originally installed stone façade completely removed from the building, a full survey of the existing face of truss locations was performed. There are appreciable deviations from truss to truss along all elevations that will need to be accommodated within the cavity insulation and air space between the truss and back of stone façade by adjusting the overall depth of the anchor system. Due to the TerraCORE panel being half the thickness of the 2" dimensional stone, this allows for an additional 1" of adjustment

within the façade system to allow for alignment of the exterior finished surface without impacting the thickness of insulation or size of air cavity.

Due to having to accommodate the existing truss locations, the installation time required for the 2” dimensional stone has increased from the four months indicated in the project baseline schedule approved in September 2015 to six months. This additional installation time is required to measure and custom fabricate on-site the depth of anchor required at each individual stone location since the anchors and insulation are installed at the same time as the 2” stone pieces. Alternatively, the TerraCORE system utilizes a double angle support system for the panels that is installed prior to the panels arriving on-site. As a result, the supports are installed concurrently with the stone panel fabrication resulting in a stone panel installation time of only three months, or half the time of 2” dimensional stone. Additionally, since the supports are installed prior to the stone panels, the cavity insulation can be installed simultaneously allowing for the installation of temperature sensitive materials on the building interior to begin sooner than with the 2” dimensional stone system.

Focusing on schedule, below is a comparison of the projected schedules for when the exterior façade work would be completed utilizing 2” dimensional stone and the TerraCORE system:

| Activity | 2" Dimensional Stone | | | TerraCORE System | | |
|---|----------------------|-----------|-----------|------------------|-----------|------------|
| | Duration | Start | Finish | Duration | Start | Finish |
| UCIA Decision on Substitute Cladding | 1 | 1/7/2016 | 1/7/2016 | 1 | 1/7/2016 | 1/7/2016 |
| Produce Shop Drawings | 45 | 1/11/2016 | 3/11/2016 | 45 | 1/11/2016 | 3/11/2016 |
| A/E Review and Approve Shop Drawings | 10 | 3/14/2016 | 3/25/2016 | 10 | 3/14/2016 | 3/25/2016 |
| Shop Tickets and Fabrication | 60 | 3/28/2016 | 6/17/2016 | 60 | 3/28/2016 | 6/17/2016 |
| Support Angle & Insulation Installation | N/A | N/A | N/A | 30 | 4/18/2016 | 5/27/2016 |
| Shipping and Customs Clearance | 26 | 6/20/2016 | 7/26/2016 | 26 | 6/20/2016 | 7/26/2016 |
| Installation | 120 | 7/27/2016 | 1/10/2017 | 60 | 7/27/2016 | 10/18/2016 |

Other benefits to the project by using the TerraCORE system in lieu of 2” dimensional stone are:

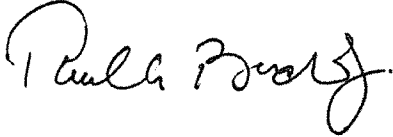
- Resistant to water absorption. Avoids the “wet look” that natural stone has after getting wet.
- Potential for cracking from freeze/thaw cycling due to natural fissures in the stone are eliminated by the epoxy used to attach the stone to the aluminum backing.
- 85% lighter than 2” dimensional stone resulting in less dead load stresses on the building structure.
- Due to their light weight, attic stock can be obtained and stored easily due to their thin size and ease of handling. Replacement panels from attic stock can be cut to size with typical hand tools and attached to the existing rail support system anywhere on the building without the need for specialized hoisting equipment.
- Since they are an engineered material, the TerraCORE panels are more flexible and can move easier with the overall building movement when compared to 2” dimensional stone that could potentially crack or spall.
- If a panel is damaged catastrophically, the stone may crack but will not fall off the building.
- Larger sized panels conforming to the original Netta design can be obtained resulting in a reduction in the amount of joints and required caulking to be maintained by the Owner.
- Benefits LEED by utilizing recycled materials for the aluminum backing and meets the new LEED v4 criteria for their Health Product Declaration. Also possesses a Class A fire rating.

In addition to the project benefits noted above, we would like to highlight the benefit we can offer associated with the project warranty. Currently, the 2” dimensional stone and anchors specified in section 044200-EXTERIOR STONE CLADDING has no extended warranty and would only have a one year warranty period. The steel trusses specified in section 051300-STEEL FRAME SUPPORT SYSTEM FOR STONE VENEER has a 5 year warranty period. By utilizing the TerraCORE system, we can increase the warranty period to 10 years from project substantial completion, which would include the steel trusses, metal support framing and TerraCORE panels.

In summary, due to the need to accommodate the existing truss installation, the speed of the panel installation, and all at no cost impact to the Owner, we are requesting a substitution from the 2" dimensional stone to the TerraCORE stone panel system be allowed. Our position is that this engineered system will produce a more predictable installation that will result in a superior and faster project delivery with the added benefit of a longer warranty period associated with the TerraCORE system.

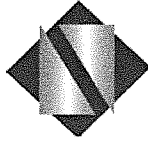
If you have any questions or comments, please do not hesitate to contact me at (508) 628-2125.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul A. Bordieri, Jr.", written in a cursive style.

Paul A. Bordieri, Jr., PE
Senior Project Manager

A **Tutor Perini** Company
www.tutorperini.com



NettaArchitects

January 6, 2016

Mr. Daniel Sullivan
Executive Director
Union County Improvement Authority
1499 Routes 1 & 9 North
Rahway, NJ 07065

Re: Union County Family Court - Elizabeth, NJ
Exterior Stone Cladding Substitution

Dear Mr. Sullivan:

Netta Architects has reviewed the January 5, 2016 letter submitted by Perini Management Services, Inc. requesting substitution of the exterior stone cladding system for this project. Perini has addressed all of the comments requested at the December 30, 2015 product presentation meeting.

Netta Architects is in agreement with Perini and MAST Construction Services in recommending this exterior stone cladding substitution system for the reasons outlined in Perini's letter.

Please feel free to contact Netta Architects with any additional questions or concerns.

Sincerely,

Laurence K. Uher, AIA, LEED AP
Vice President

John Palumbo

From: Ted Domuracki [tdomuracki@mastconstruction.com]
Sent: Wednesday, January 06, 2016 12:30 PM
To: 'dsullivan@ucua.org'
Cc: 'markwbrinkucia@yahoo.com'; Jonathan L. Williams; Ryan J. Scerbo; 'nnetta@nettaarchitects.com'; 'luher@nettaarchitects.com'; John Palumbo; Sean Edmonds; Jim Napolitano; Ted Domuracki
Subject: Perini - Stone Panel Substitution Request Letter
Attachments: Substitution Request - Exterior Stone Facade - Final.pdf

Dan,

Attached please find the Stone panel substitution request letter from Perini Management Services, Inc. regarding the Exterior Stone Façade at the Union County Family Courthouse Project.

MAST has reviewed the attached, and we have verified that Perini has included all of the required content as requested by our team at the December 30, 2015 meeting.

Perini has confirmed that there will be no additional cost to the owner due to this substitution. They have advised that the warranty period has doubled from 5 years to 10 years as requested. They have documented that CDC has fully endorsed the TerraCORE system. Perini has also illustrated the schedule advantages of the TerraCORE system showing a completion date of October 2016 versus Perini's original scheduled completion date of January 2017.

If you have any questions or comments, please do not hesitate to contact me.

Ted Domuracki
President

MAST Construction Services, Inc.
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