



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

RESOLUTION: 2020-486

JUNE 18, 2020

CHAIRMAN ALEXANDER MIRABELLA

WHEREAS, pursuant to Resolution No. 2016-514, the County retained the services of the Union County Improvement Authority ("UCIA") to construct a sports facility at Oak Ridge Park, as well as to make other improvements, as set forth by a Shared Services Agreement ("SSA") in June of 2016; and

WHEREAS, pursuant to Resolution No. 2017-542, adopted June 22, 2017, this SSA was first amended, to reflect a change in scope of this project, and as per Resolution No. 2019-93, adopted January 24, 2019, the SSA was again amended to extend the term for the completion of the project; and

WHEREAS, Amendment III to the Shared Services Agreement was authorized by this Board by way of Resolution 2019-701 dated August 22, 2019 to reflect a change in the costs for certain line items (specifically, the New Building and the Historic Renovation). Said amendment III did not result in an increase to the contract amount; and

WHEREAS, the parties now desire to amend their Agreement to be reflected in Amendment IV, which increases the project cost by \$366,346.87 for a new project cost of \$11,077,562.87. Project revenues shall be increased by \$366,346.87 (interest, fees & refunds totaling \$127,782.87 and \$238,564 from account C-04-55-912-319-020). Projected appropriations will increase by \$366,346.87, and the internal line item appropriation for the historic structure renovations will be suspended and realigned, to cover the increased costs for unsuitable soil, contaminated soil, excess topsoil and additional amounts required for soil issues totaling \$669,235 as well as the additional professional service fees totaling \$207,700.81.

NOW THEREFORE, BE IT RESOLVED that the Union County Board of Chosen Freeholders hereby authorizes the County Manager to execute Amendment IV which increases the project cost by \$366,346.87 for a new project cost of \$11,077,562.87. The \$366,346.87 will consist of interest, fees & refunds totaling \$127,782.87 and \$238,564 which will be charged to appropriation account # C-04-55-912-319-020.

BE IT FURTHER RESOLVED that all other provisions of the Parties Agreement other that specified herein shall remain in full force and effect; and

BE IT FURTHER RESOLVED that the County Manager is authorized to execute any Agreement reflecting this Amendment upon review and consent of the County Counsel.

Sufficiency of Funds Authorized :

Approved as to Form:

Certifying as to an Original Resolution:

Certified as to a True Copy:

✓ Vote Record - Resolution RES-2020-486		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn	Rebecca Lynne Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Kimberly Palmieri-Moulded	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Andrea Staten	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Angel G. Estrada	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Angela R. Garretson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Sergio Granados	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Christopher Hudak	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Bette Jane Kowalski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Alexander Mirabella	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OAK RIDGE PROJECT AMENDMENT IV

Description	Amendment III Budget	Amendment IV Budget	
Revenues:			
Funded by COU PO # 16004663; check # 319332 issued 06/22/2016; charged to appropriation		2,562,788.40	
Funded by COU PO # 17006798; check # 333733 issued 10/11/2017; charged to appropriation		9,702,150.65	
		<u>12,264,939.05</u>	
Dan's Email 6/2/17 Original Project Expenses Including IA Management Fee & Misc Profession:		(1,553,723.05)	
Total Revenues			10,711,216.00
Other Miscellaneous Funding Sources:			
Accumulated bank account interest from the months of 10/2017 to 05/2020		126,107.87	
Various Bid Doc Fees received and posted on 09/24/2019		675.00	
State Refund - Office Marine Lands Mgmt		<u>1,000.00</u>	
			127,782.87
Section 20 amount for 2017 Oak Ridge project account (COU appro a/c # C-04-55-912-319-020)		238,564.00	
Total Revenues	<u>10,711,216.00</u>		<u>11,077,562.87</u>
Expenditures:			
<u>Budgeted amounts allocation as of 08/22/2019</u>			
Building Construction			
Field/Field House - Grade Construction	7,757,229	7,757,229	
Unsuitable soil		6,591	
Contaminated soil		200,337	
Excess topsoil		278,712	
Contingency Shortfall		58,595	
Potential Project Delays Impacts		50,000	
Other Potential Contingency Items		75,000	
Shaw Sports Turf	485,000	485,000	
Johnston Communication	154,000	154,000	
Miscellaneous TBD	51,297	51,297	
Historical Renovation	<u>750,000</u>		
Sub-total for Building Construction	9,197,526		9,116,761.00
Professional Services			
Legal:			
Rainone Coughlin & Minchello	50,000	50,000.00	
DeCotiis Fitzpatrick & Cole, LLP			
McManimon, Scotland & Baumann, LLC			
OverExpenditure Legal		<u>157,653.07</u>	
			207,653.07
UCIA Management Fee	150,000	150,000.00	150,000.00
SHPO/Borings	125,000	125,000.00	
OverExpenditure SHPO/Borings		<u>129.00</u>	
			125,129.00
Construction Manager - Pinnacle	555,533	555,533.00	555,533.00
Civil Engineering - Neglia	355,157	355,157.00	355,157.00
Architect - Netta	278,000	278,000.00	
OverExpenditure Netta		<u>49,918.74</u>	
			327,918.74
Contingency		239,411.06	<u>239,411.06</u>
Sub-total for Professional Services			
Total Appropriations	<u>10,711,216</u>		<u>11,077,562.87</u>

**AMENDMENT IV TO AGREEMENT FOR RECREATIONAL
IMPROVEMENTS TO OAK RIDGE PARK**

This is an amendment to the County of Union-Union County Improvement Authority Shared Services Amended Agreement of February, 2019 which was authorized by the Board of Chosen Freeholders pursuant to Resolution No. 2019-____. This amendment to the Amended Agreement is made by and between the COUNTY OF UNION, a body corporate and politic of the State of New Jersey, having offices at Union County Administration Building, 10 Elizabethtown Plaza, Elizabeth, New Jersey 07207 (hereinafter referred to as the "County") and the UNION COUNTY IMPROVEMENT AUTHORITY, a body corporate and politic of the State of New Jersey (hereinafter referred to as "UCIA" or "the Authority"), having offices at 1499 Rts. 1 and 9, Rahway, NJ, 07065. The UCIA and the County are hereinafter referred to collectively as "the Parties."

WITNESS

WHEREAS, Oak Ridge Park is a County owned Park; and

WHEREAS, the UCIA is an independent authority of the County's created pursuant to Chapter 183 of the Laws of New Jersey of 1960 and charged, among other things, with the development and financing of public facilities; and

WHEREAS, the County requested assistance from the UCIA in connection with the development of a section of its Oak Ridge Park (the "Project") as per an Agreement in June of 2016; and

WHEREAS, the Parties amended the aforesaid Agreement in July of 2017 to reflect the change in the scope of the Project to include the installation of a track and field, the construction of attendant facilities, and landscaping in parts of the Park; and

WHEREAS, the Amended Agreement provided that the Project would be completed by December 31, 2018; and

WHEREAS, the Project was not completed by this date due to the need to comply with the New Jersey State Historic Preservation Office's ("SHPO") requirements which apply to Oak Ridge Park; and

WHEREAS, the Parties extended the aforesaid Agreement in February of 2019 to reflect a new project completion date of March 1, 2021; and

WHEREAS, at the start of the project, suitable soil was found to be not suitable as structural fill for the field, which created a shortfall of structural fill; and

WHEREAS, due to the structural fill shortfall at the field and track area it was necessary to import suitable fill; and

WHEREAS, the amount of contaminated soil was in excess of what was anticipated by the LSRP and must also be removed off-site as per NJDEP requirements; and

WHEREAS, the parties now desire to amend their Agreement to reflect the increase in the anticipated price of the project based upon the submitted and reviewed June 1, 2020 Additional Funding Report by Pinnacle Consulting and Construction Services for the project;

NOW, THEREFORE, in consideration of the mutual promises and obligations set forth herein and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto, intending to be legally bound hereby, agree as follows:

1. **Recitals Incorporated:** The recitals set forth above are incorporated into this Amendment as if set forth at length herein.

2. **Effect of This Amendment:** The Project is a work in progress. Consequently, the provisions of the Agreement, as amended in July of 2017, February of 2019 and August of 2019, remain in full effect.

3. **Extended Term:** The term of the parties Agreement remains extended to March 1, 2021.

4. **Financing of Project:** The authorized cost of this Project, including the Authority's own costs, shall be increased by \$669,000.00 to be paid for by Union County.

7. **Effective Date:** This Amendment shall become effective upon its execution following the parties adoption of resolutions approving its terms and conditions.

9. **Modifications and Changes:** Any and all changes to the term of this Amended Agreement must be in writing and approved by the respective parties to be effective.

[Remainder of this page intentionally blank – signature page follows]

IN WITNESS WHEREOF, the parties have, through the appropriate officials thereof,
executed and sealed this agreement on this day of , 2020.

ATTEST:

UNION COUNTY IMPROVEMENT AUTHORITY

By: _____

By: _____
Daniel P. Sullivan

ATTEST:

COUNTY OF UNION

By: _____

By: _____
Edward T. Oatman
County Manager

Approved as to Form

Bruce T. Bergen, Esq.
County Counsel