



UNION COUNTY IMPROVEMENT AUTHORITY

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(732) 382-9400 (732) 382-5862 fax

Resolution No. 52-2019

Date: September 11, 2019

RESOLUTION OF THE UNION COUNTY IMPROVEMENT AUTHORITY AUTHORIZING AMENDMENT III TO THE SHARED SERVICES AGREEMENT WITH COUNTY OF UNION AND ACTS IN CONNECTION THEREWITH FOR THE OAK RIDGE PROJECT

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

Andrew B. ...

| | PRESENT | ABSENT | AYE | NAY | ABSTAIN | MOTION | SECOND |
|---------------------------|---------|--------|-----|-----|---------|--------|--------|
| <i>Barnett</i> | ✓ | | ✓ | | | | |
| <i>D'Elia</i> | ✓ | | ✓ | | | | |
| <i>Hockaday</i> | ✓ | | ✓ | | | ✓ | |
| <i>Lattimore</i> | ✓ | | ✓ | | | | |
| <i>Marshall</i> | ✓ | | ✓ | | | | |
| <i>Mojica</i> | ✓ | | ✓ | | | | |
| <i>Salerno, Secretary</i> | ✓ | | ✓ | | | | ✓ |
| <i>Huff, Vice Chair</i> | ✓ | | ✓ | | | | |
| <i>Bornstad, Chairman</i> | | ✓ | | | | | |

**RESOLUTION OF THE UNION COUNTY IMPROVEMENT AUTHORITY
AUTHORIZING AMENDMENT III TO THE SHARED SERVICES AGREEMENT
WITH COUNTY OF UNION AND ACTS IN CONNECTION THEREWITH FOR
THE OAK RIDGE PROJECT**

WHEREAS, a regular meeting of the Union County Improvement Authority (the "Authority") was held on September 11, 2019; and

WHEREAS, pursuant to N.J.S.A. 40:37A-55(t) a county improvement authority is empowered to enter into any and all agreements or contracts, execute any and all instruments and do and perform any and all things necessary, convenient or desirable for the purposes of the Authority or to carry out any power given in the County Improvement Authorities Law, N.J.S.A. 40:37A-44 et seq. (the "Act"), subject to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, pursuant to the Act, the Authority is empowered to, plan, initiate and carry out among other things, facilitating the development and financing of public facilities and development projects within the County of Union; and

WHEREAS, pursuant to Union County Freeholders Resolution #2016-514, the County retained the services of the Authority to construct a sports facility at Oak Ridge Park pursuant to a June 2016 Shared Services Agreement; and

WHEREAS, pursuant to Authority resolution # 52-2017, adopted on July 17, 2017, the SSA was first amended, to reflect a change in the scope of the project and as per resolution # 15-2019, adopted on February 6, 2019 the SSA was again amended to extend the term for the completion of the project; and

WHEREAS, the SSA included a Project Budget summary referred to as "Exhibit C" with specific line items and anticipated construction costs for individual items in the project including but not limited to, Historic Reservation for an anticipated cost of \$1,500,000.00; and

WHEREAS, the first amended agreement called for a locker room facility/multi-purpose building to be included as set forth in Exhibit C with a line item identifying a "New Building" with an anticipated construction cost of \$1,200,000.00; and

WHEREAS, as a result of a public bidding process, conducted by the UCIA on July 30, 2019, the lowest bid received for the construction of this locker room facility/multi-purpose building was \$750,000 higher than the anticipated cost as set forth in the First Amended Agreement; and

WHEREAS, it is in the best interest of the County and its residents for the project to be completed; and

WHEREAS, pursuant to Union County Freeholders resolution # 2019-701, the County has authorized the parties to enter into an Amendment III to the Shared Services Agreement which is attached hereto and made a part hereof, to reflect a change in the costs for certain line items (specifically, the New Building and the Historic Renovation) as contained in Exhibit C to address the increased cost for the New Building as determined by the public bid; and

WHEREAS, Amendment III to the Shared Services Agreement modifies certain line items contained in Exhibit C, specifically to reflect an increase of \$750,000 to the line item for the New Building and to reflect a decrease of \$750,000 to the line item for Historic Renovation; and

WHEREAS, Amendment III will not result in an increase in the contract amount; and

WHEREAS, the Authority would like to approve Amendment III to the Shared Services Agreement (the "Agreement") with the County in substantially the form annexed hereto and made a part hereof.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE MEMBERS OF THE UNION COUNTY IMPROVEMENT AUTHORITY AS FOLLOWS:

1. The Authority hereby agrees to continue to assist the County, on the County's behalf, with the development of any and all work pertaining to the Oak Ridge Project as set forth in Amendment III to the Shared Services Agreement attached hereto and made a part hereof.

2. All other provisions of the Shared Services Agreement other than those specified herein shall remain in full force and effect.

3. The Authority authorizes the Executive Director to execute Amendment III to the Shared Services Agreement with the County in substantially the form attached with such changes as shall be approved by the Executive Director on advice of counsel. The Secretary is authorized to attest to the signature of the Executive Director appearing thereon and to affix the seal of the Authority thereto.

4. The Authority authorizes the Authority staff to take all actions reasonable and necessary in connection with all duties and obligations regarding the Project as authorized in the Agreement and herein.



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

RESOLUTION: 2019-701

AUGUST 22, 2019

CHAIR BETTE JANE KOWALSKI

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, this SSA included a Project Budget Summary referred to as "Exhibit C" with specific line items and anticipated construction costs for individual items in the project including, but not limited to, Historic Renovation for an anticipated costs of \$1,500,000.00; and

WHEREAS, the first Amended Agreement called for a locker room facility/multi-purpose building to be included as set forth in Exhibit C with a line item identifying a "New Building", with an anticipated construction cost of \$1,200,000.00; and

WHEREAS, as a result of a public bidding process, conducted by the UCIA on July 30, 2019, the lowest bid received for the construction of this locker room facility/multi-purpose building was \$750,000 higher than the anticipated cost as set forth in the first Amended Agreement; and

WHEREAS, the County wishes for this project to be completed;

WHEREAS, it is now necessary for the Parties to enter into an Amendment III to the Shared Services Agreement, which is attached hereto and made a part hereof, to reflect a change in the costs for certain line items (specifically, the New Building and the Historic Renovation) as contained in Exhibit C, to address the increased cost for the New Building as determined by the public bid. Amendment III will not result in an increase to the contract amount.

NOW THEREFORE, BE IT RESOLVED that the Union County Board of Chosen Freeholders, for the reasons set forth in the body of this Resolution, hereby authorizes the County Manager to execute an Amendment III to the Shared Services Agreement, which is attached hereto and made a part hereof, modifying certain line items contained in Exhibit C, specifically to reflect an increase of \$750,000.00 to the line item for the New Building and to reflect a decrease of \$750,000.00 to the line item for Historic Renovation; and

BE IT 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.

No Sufficiency of Funds Required :

Approved as to Form:

Certifying as to an Original Resolution:

Certified as to a True Copy:

Bette Jane Kowalski

[Signature]

| ✓ Vote Record - Resolution RES-2019-702 | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn | | Yes/Aye | No/Nay | Abstain | Absent |
| | Rebecca Lynne Williams | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Kimberly Palmieri-Mouded | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Andrea Staten | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input 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 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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, pursuant to this first amendment 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 applicable to Oak Ridge Park; and

WHEREAS, the Parties second amendment to the SSA extended the aforesaid Agreement on February 21, 2019, to reflect a new completion date for the Project of March 1, 2021; and

WHEREAS, the parties now desire to amend the SSA by way of Amendment 3 to reflect the increase to the anticipated cost for the "New Building" based upon public bids received and reviewed 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 Amendment 3:** The Project is a work in progress. Consequently, the provisions of the Agreement, and all prior amendments of the SSA remain in full force and effect.

3. **Changes to Line Items in the Project Budget ("Exhibit C"):** Exhibit C of the SSA reflected a line item of \$1,200,000.00 for a New Building and a line item of \$1,500,000.00 for Historic Renovation. The Parties agree that the transfer of a sum not to exceed \$750,000.00 from the line item for Historic Renovation to the line item for the New Building is necessary to address the increase in the anticipated cost for the New Building based upon the public bids received and reviewed for the Project.

As a result of this transfer within budgeted funds the line item for the New Building will be increased to now reflect \$1,950,000.00 and the line item for Historic Renovation will be decreased to now reflect \$750,000.00.

4. **Financing of Project:** The authorized cost of this Project, including the Authority's own costs, shall remain unchanged.

5. **Terms Remain Unchanged.** The Parties agree that all other remaining terms and conditions of the SSA shall remain unchanged and in full force and effect.

6. **Compliance with SHPO Requirements:** Oak Ridge Park is listed on the State and National Registry of Historic Places. Consequently, New Jersey law required the County to obtain the approval of SHPO in order for the Project to proceed. In late 2017/early 2018 SHPO approved the Project subject to a number of conditions. These conditions are appended hereto

IN WITNESS WHEREOF, the parties have, through the appropriate officials thereof,
executed and sealed this agreement on this day of , 2019.

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

Robert Barry, Esq.
County Counsel