



BURLINGTON TOWNSHIP

851 Old York Road, Burlington Township, NJ 08016 • Phone (609) 239-5815 or (609) 239-5816

MARY E. FIELD, RMC, CMR
MUNICIPAL CLERK
REGISTRAR OF VITAL STATISTICS
AFFORDABLE HOUSING OFFICER
mfield@twp.burlington.nj.us

January 11, 2024

Earle Asphalt Company
1600 Route 34 Building 2 Suite 205
Wall, New Jersey 07719

Subject: Contract No. 2022-08
Gentlemen/Ladies:

Enclosed please find your fully executed Contract for "Mill and Overlay of Oxmead Rd"
(Contract No. 2022-08). At this time, we are also returning your bid bond.

If we can be of any further service, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mary E. Field".

Mary E. Field, RMC
Municipal Clerk

MEF/MW
Enclosures
cc: Scott Hatfield, Township Engineer

Township Of Burlington

RESOLUTION

2024-R-154

**RESOLUTION APPROVING CHANGE ORDER NO. 1 (FINAL)
TO EARLE ASPHALT COMPANY FOR MILLING AND OVERLAY
OF OXMEAD ROAD
(CONTRACT NO. 2022-08)**

WHEREAS, Contract No. 2022-08 was awarded to Earle Asphalt Company for Milling and Overlay of Oxmead Road, (2022 NJDOT Project); and

WHEREAS, there is a need to approve certain changes within the contract in order to carry out the initial purpose of the contract due to the discovery of conditions at the site not originally anticipated when the original contract was let; and

WHEREAS, this Change Order will result in a decrease of the amount of the original contract from \$296,713.13 to \$291,661.52 or a net decrease of \$5,051.61; and

WHEREAS, the Township of Burlington determines that the award of this Change Order, if known at the time that the initial contract was let, would not have resulted in another bidder having been the lowest responsible bidder;

NOW, THEREFORE, BE IT RESOLVED by the Township of Burlington, in the County of Burlington and State of New Jersey, that the Change Order, a copy of which is attached hereto and made a part hereof by reference, is hereby approved.

DATE: June 25, 2024

TOWNSHIP OF BURLINGTON

ATTEST:


Carl M. Schoenborn
President of Council


Mary E. Field, RMC
Municipal Clerk

BURLINGTON TOWNSHIP
Department of Engineering
851 Old York Road
Burlington Township, NJ 08016
Phone: (609) 239-5836

CHANGE ORDER

Date: June 21, 2024

C.O. No. 1 (FINAL)

Contractor Name: Earle Asphalt Company P.O. Box 556 Farmingdale, NJ 07727	Project: Milling and Overlay of Oxmead Road (2022 NJDOT Project) Contract No. 2022-08
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Gentlemen:

In accordance with New Jersey Regulation 5:34-4 and with the provisions of the Standard Specifications for the above referenced Contract, you are hereby advised of the following changes in the Contract quantities, or in the case of supplementary work, you agree to its performance by your firm at the prices stated.

Nature and Reason for Change

<u>Item No.</u>	<u>Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>ADD/ DEDUCT</u>	<u>Total Price</u>
1	DENSE GRADED AGGREGATE, VARIABLE DEPTH	CY	-100	\$0.01	DEDUCT	(\$1.00)
2	RESET MANHOLE CASTINGS USING EXISTING CASTING & LID	UNIT	-3	\$100.00	DEDUCT	(\$300.00)
3	REPLACE INLET USING ECO CASTING AND GRATE	UNIT	-2	\$1,370.00	DEDUCT	(\$2,740.00)
5	HMA MILLING, 3" OR LESS	SY	562	\$2.25	ADD	\$1,264.50
6	HOT MIX ASPHALT PAVEMENT REPAIR	SY	-750	\$15.00	DEDUCT	(\$11,250.00)
7	CRACK REPAIRS	LF	-3500	\$1.00	DEDUCT	(\$3,500.00)
8	HOT MIX ASPHALT 12.5M64 SURFACE COURSE	TON	85.28	\$105.00	ADD	\$8,954.40
9	CLEAN AND SWEEP PAVEMENT SURFACES	SY	562	\$0.01	ADD	\$5.62
10	4" TRAFFIC STRIPES, SPRAYED THERMOPLASTIC	LF	-540	\$0.80	DEDUCT	(\$432.00)
11	PAVEMENT MARKINGS	SF	-298	\$6.80	DEDUCT	(\$2,026.40)
12d	INFORMATIONAL SIGNS	UNIT	-1	\$494.84	DEDUCT	(\$494.84)
14	FUEL PRICE ADJUSTMENT	LS	-4,310.07	\$300.00	DEDUCT	(\$4,609.07)
15	ASPHALT PRICE ADJUSTMENT	LS	-4119.75	\$400.00	DEDUCT	(\$4,518.75)
X-1	FLAGGERS	LS	1	\$9,668.43	ADD	\$9,668.43
X-2	POLICE TRAFFIC DIRECTORS	LS	1	\$4,927.50	ADD	\$4,927.50
TOTAL						(\$5,051.61)

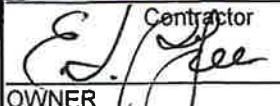
Amount of Original Contract \$296,713.13

Amount of Previous Change Orders Nos. \$0.00

Amount of Contract with Previous Change Order \$296,713.13

Adjustment Based on Change Order No. 1 \$ (5,051.61)

Adjusted Contract \$291,661.52

ACCEPTED:  Contractor  OWNER	Date <u>6/19/24</u> Date <u>6/25/24</u>	 Engineer Date <u>6/20/2024</u>
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CERTIFICATION OF CHANGE ORDER

TO: Township Council

DATED: June 21, 2024

FROM: Township Engineer

RE: Change Order for Contract No. 2022-08

This is to request your approval of Change Order for Milling and Overlay of Oxmead Road

Firm: Earle Asphalt Company

Cost: -\$5,051.61 DEDUCT

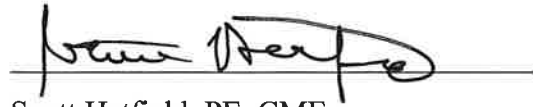
Purpose: Final Adjustments to Balance Out Final Contract Quantities;
Payment for Police Traffic Directors and Extra Flaggers

This is a request to be awarded as a change order to the contract without competitive bids. I do hereby certify as follows:

1. The proposed change order is the product of changes unforeseen at the time that the initial contract occurred which are in existence at the Project Site and involve Adjustments to Balance Out Final Contract Quantities.

2. My review of the situation existing at the Project Site indicates that the change could not reasonably bid separately without incurring unreasonable delays which would be adverse to public safety or expeditious conduct of public business. Further the nature of the work is such that it is totally unfeasible to utilize a new contract since the work is materially integrated with other work at the site.

3. After reviewing the matter at hand I determined that the change order does not exceed 20% of the initial contracted sum and the award of this change order if known at the time that the initial contract was let would not have resulted in another bidder having been the lowest responsible bidder.

A handwritten signature in black ink, appearing to read "Scott Hatfield", is written over a horizontal line.

Scott Hatfield, PE, CME
Township Engineer

CONTRACT

This Agreement, made this 28 day of November, 2023, between Earle Asphalt Company, 1600 Route 34 Building 2 Suite 205, Wall, New Jersey 07719 hereinafter referred to as "Contractor", and the TOWNSHIP OF BURLINGTON, 851 Old York Road, Burlington Township, New Jersey 08016, hereinafter referred to as the "Township", mutually agree between the parties in this Contract, that:

1. Contractor hereby agrees to perform certain contracting work referred to in certain plans and specifications entitled "Milling and Overlay of Oxmead Road. The terms and conditions set forth within said plans and specifications are attached hereto and made a part hereof.

2. Contractor agrees to make payment of all proper charges for labor and materials required in the aforementioned work and indemnify and save harmless the Township, its officers, agents and servants, and each and every one of them against and from all suits and costs of every name and description, and from all damages to which the said Township, or any of its officers, agents or servants may be put, by reason of injury to the person or property of other resulting from carelessness in the performance of said work or through the negligence of said Contractor, or through any improper or defective machinery, implements or appliance through acts or omissions on the part of said Contractor or its agents.

3. Contractor agrees and understands that acceptance of the final payment by the Contractor shall be considered as a release in full or all claims against the governing body out of, or by reason of, the work done and materials furnished under this Contract.

4. The Township hereby agrees to pay Contractor for said work in accordance with the plans and specifications for the actual quantity of authorized work done under each item scheduled in the proposal at the respective unit prices bid therefore by the Contractor, and more fully explained with the plans and specifications on file with the Township Clerk and made a part hereof by reference, which payment is awarded in the year 2022 in the aggregate amount not to exceed \$296,713.13 pursuant to N.J.S.A. 40A:11-1 et seq. and P.L. 2009, c. 88 (S-1421) in accordance with the terms of the bid documentation and that said payments shall be due and owing only in accordance with requisitions sent by the Township for the units or work or supplies required.

5. It is recognized and agreed between the parties to this Agreement that for any breach of this Agreement, or the terms, conditions and specifications incorporated herein by reference, shall subject the violator to a deduction from the contract price of \$500.00 per calendar day, Sunday and legal holidays excepted for liquidated damages each day that said violation shall continue. It is recognized and agreed between the parties that time is of the essence of this Contract.

6. This Contract is to be binding upon both parties, to their successors and assigns.

7. This Contract is subject to all of the terms and conditions of the Resolution authorizing the award of the said Contract which terms and conditions are incorporated herein and made a part hereof.

IN WITNESS WHEREOF, the parties hereunto have set their hands and seals the day and year first above written.

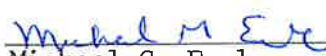
Earle Asphalt Company

BY: _____



~~President~~
Brian M. Cooper, PE, Manager of
Engineering

ATTEST:



Michael G. Earle Secretary

TOWNSHIP OF BURLINGTON

BY: _____



E. L. PETE GREEN, Mayor

ATTEST:



MARY E. FIELD, Municipal Clerk

CERTIFICATION

I, *Dawn M. Bass*, Treasurer and Chief Financial Officer of the Township of Burlington, in the County of Burlington and State of New Jersey, do hereby certify that:

1. I am the Chief Financial Officer for the Township of Burlington charged with the responsibility of maintaining the financial records of the Township of Burlington.

2. I hereby certify to the Township Council the availability of adequate funds to pay for the goods or services called for within the attached contract and the authorizing resolution.

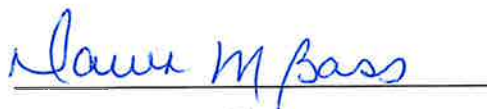
3. Said funds are available within the appropriation made by an ordinance Entitled:

2023-OR-034

**CAPITAL ORDINANCE APPROPRIATING \$525,000 TO PAY FOR MILL
AND OVERLAY OF OXMEAD ROAD IN AND BY THE TOWNSHIP OF
BURLINGTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW
JERSEY**

4. I certify that all costs and charges arising out of the contract and resolution, which is attached hereto, shall be properly charged to the accounts specified above.

5. I make this certification pursuant to the requirements of a certain resolution adopted by the Local Finance Board within the Department of Community Affairs pursuant to its authority under NJSA 52:27BB-10 enforcing the provisions of NJSA 40A:4-57.



***Dawn M. Bass, Treasurer/
Chief Financial Officer***

I, *Jodi M. Botlinger*, Administrator of the Township of Burlington, do hereby certify that there is within the Budget of this Department an appropriation for the amount set forth within the attached contract; said funds are available within the Official Budget of the Township of Burlington under the line item entitled:

2023-OR-034

**CAPITAL ORDINANCE APPROPRIATING \$525,000 TO PAY FOR MILL AND
OVERLAY OF OXMEAD ROAD IN AND BY THE TOWNSHIP OF BURLINGTON, IN
THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY**



Jodi M. Botlinger
Township Administrator

I, *David M. Serlin*, do hereby certify that I am the Township Attorney for the Township of Burlington, that I have examined the contract document and certification attached thereto and state that the Township Treasurer, Dawn M. Bass, has duly certified that funds are available for the contract involved with the following exceptions:

None



David M. Serlin, Township Solicitor

Township of Burlington

RESOLUTION

2023-R-224

**RESOLUTION AUTHORIZING AWARD OF BID FOR
MILLING AND OVERLAY OF OXMEAD ROAD
TO EARLE ASPHALT COMPANY
IN AN AMOUNT NOT TO EXCEED \$296,713.13
(FY 2022 NJDOT MUNICIPAL AID PROJECT)
(CONTRACT NO. 2022-08)**

BE IT RESOLVED by the Township Council of the Township of Burlington, County of Burlington and State of New Jersey, that

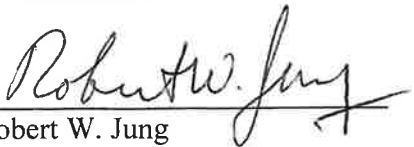
SECTION 1. Award. The bid of Earle Asphalt Company, 1800 Route 34, Building 2, Suite 205, Wall, New Jersey 07719, for the provision of Milling and Overlay of Oxmead Road (FY 2022 NJDOT Municipal Aid Project is hereby accepted and a contract awarded in an amount not to exceed \$296,713.13, subject to the following:

1. Certification by the Township Treasurer that sufficient funds are available,
2. Review and approval of the Bid Documents, Financial Statement, and Bonding Company by the Department of Purchasing.
3. Clearance of the Contractor by the Wage and Hour Bureau of the New Jersey Department of Labor and Industry.
4. Authorization from the NJDOT to award the bid.
5. Submission of Certification of Non-Debarment for Federal Government Contracts.

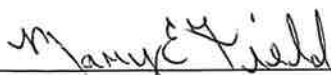
SECTION 2. Authorization. The Mayor and Clerk of the Township of Burlington are authorized and directed to execute a contract containing the terms and conditions more particularly set forth in Section 1 above.

DATE: November 28, 2023

TOWNSHIP OF BURLINGTON


Robert W. Jung
President of Council

ATTEST:


Mary E. Field, RMC
Municipal Clerk