

R E S O L U T I O N

WHEREAS, the Township awarded a Professional Services Contract to Birdsall Services Group of Eatontown, New Jersey in the amount of \$212,250.00 for engineering inspections and contract administration for the Downtown Streetscape and Traffic Improvements Program; and

WHEREAS, the Township entered into a contract with Conquest Industries, LLC, 32 Woodland Avenue, Westwood, New Jersey 07675 to construct the improvements associated with the Downtown Streetscape and Traffic Improvement Program; and

WHEREAS, during the course of construction, delays in the work caused directly by Conquest Industries, LLC caused additional expenses for the Township to provide Uniform Police Traffic Directors and inspection and administration services of Birdsall Services Group; and

WHEREAS, the Township entered into a Stipulation of Settlement Agreement with Conquest Industries, LLC which required Conquest Industries, LLC to reimburse the Township \$60,000.00 for costs the Township incurred as a direct result of delays by Conquest Industries LLC; and

WHEREAS, one half of the \$60,000.00, or \$30,000.00, was due to the costs associated with additional construction inspections and contract administration by Birdsall Services Group; and

WHEREAS, the contract of Birdsall Services Group was assumed by and assigned to Maser Consulting, P.A, 331 Newman Springs Road, Suite 203, Red Bank, New Jersey 07701 by the United States Bankruptcy Court, District of New Jersey; and

WHEREAS, to compensate Maser Consulting, P.A. \$30,000.00 for additional inspections and contract administration a Change Order is required; and

WHEREAS, the Municipal Engineer recommends Change Order No. 1 with Maser Consulting, P.A. in the amount of \$30,000.00 for additional inspections and contract administration performed by Birdsall Services Group, the predecessor to Maser Consulting, P.A.

for this contract; and

WHEREAS, funds for this Change Order are payable from the funds collected by the Township from Conquest Industries, LLC as part of the Stipulation of Settlement Agreement with the Township; and

WHEREAS, the Township Council concurs in the foregoing.

NOW, BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange that Change Order No. 1 in the amount of \$30,000.00 be approved for Maser Consulting, P.A. , 331 Newman Springs Road, Suite 203, Red Bank, N.J. 07701 for additional inspection and contract administration services required due to delays directly caused by Conquest Industries, LLC, the contractor for the Downtown Streetscape and Traffic Improvement Program.

BE IT FURTHER RESOLVED that a copy of this Resolution and notice of this award shall be published in the West Orange Chronicle and available in the Clerk's office as required by law.

KAREN J. CARNEVALE, MUNICIPAL CLERK
COUNCIL PRESIDENT

SUSAN McCARTNEY,

Adopted: September 23, 2014

I hereby certify funds are available from: ACCOUNT NO. _____

JOHN GROSS, CHIEF FINANCIAL OFFICER