



**Mayor and Council**

400 Witherspoon Street  
Princeton, NJ 08540

Meeting: 05/10/21 07:00 PM  
Department: Engineering

---

**RESOLUTION 21-166**

---

**Resolution Authorizing Change Order No. 2 and Final in the Amount of -\$114,396.86 with S. Brothers Construction for the Improvements to Cherry Valley Road East, Resulting in a New Contract Amount of \$3,171,521.00, Subject to Concurrence by the Township of Montgomery**

**WHEREAS**, pursuant to duly advertised Notice to Bidders in accordance with the New Jersey Public Contracts Law, *N.J.S.A.* 40A:11-1 et seq., eight bids were received and a construction contract awarded to S. Brothers, Inc. for the Improvements to Cherry Valley Road East, Princeton, New Jersey for a contract amount of two million nine hundred eighty-seven thousand one hundred ninety-eight dollars and five cents (\$2,987,198.05); and

**WHEREAS**, the Municipality of Princeton and the Township of Montgomery entered into a Shared Services Agreement in July of 2018 for construction of the planned Cherry Valley Road East improvements and construction inspection services for 2,250 linear feet of Cherry Valley Road from approximately two hundred feet west of Cherry Valley Road to the Mercer County Jefferson's Curve Bridge; and

**WHEREAS**, the Shared Services Agreement includes a stipulation that the Township of Montgomery shall provide prior written approval before Princeton authorizes any change orders increasing the cost of the Work, and the Township of Montgomery will promptly deposit with Princeton a sum equivalent to 50% of such change order upon approval; and

**WHEREAS**, Princeton Council approved Resolution 20-302 for Change Order No. 1 in the amount of \$298,719.81, which increased the total contract amount to \$3,285,917.86; and

**WHEREAS**, the Engineering Department advises that the project construction is

complete and recommends the approval of a second and final change order in the amount of -\$114,396.86, which results in a final contract amount of three million one hundred seventy-one thousand five hundred twenty-one dollars and zero cents (\$3,171,521.00), subject to concurrence by the Montgomery Township Committee; and

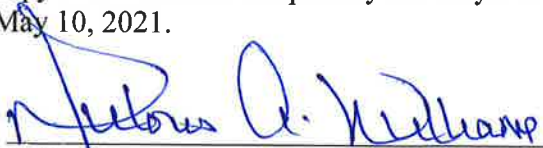
**WHEREAS**, the Engineering Department recommends final payment and the release of the performance bond to S. Brothers, Inc., contingent the receipt of an acceptable two-year Maintenance Bond in the amount of \$475,728.15, which is fifteen percent of the final contract amount.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of Princeton hereby approves the second and final change order in the amount of -\$114,396.86 for the Improvements to Cherry Valley Road East, Princeton, New Jersey, upon written concurrence by the Montgomery Township Committee. The final revised contract amount shall be three million one hundred seventy-one thousand five hundred twenty-one dollars and zero cents (\$3,171,521.00).

**BE IT FURTHER RESOLVED** by the Mayor and Council of Princeton that performance bond no. 015205075 be released to S. Brothers, Inc. contingent upon the receipt of the acceptable Maintenance Bond.

Councilperson	Absent	Present	1 <sup>st</sup>	2 <sup>nd</sup>	Yea	Nay	Abstain	Disqualified
Mr. Cohen		X	X		X			
Ms. Fraga		X			X			
Ms. Niedergang		X			X			
Ms. Pirone Lambros		X		X	X			
Ms. Sacks		X			X			
Mr. Williamson		X			X			
Mayor Freda		X						

I, Delores A. Williams, Municipal Clerk of Princeton, do hereby certify that the above is a true copy of a resolution adopted by the Mayor and Council of Princeton at a meeting held May 10, 2021.

  
 Delores A. Williams, Municipal Clerk

**ATTACHMENTS:**

- 210422 Memo\_Change Order No. 2 (PDF)