



RESOLUTION 21-213

Resolution Authorizing the Execution of a Tender Agreement Between the Municipality of Princeton, Ohio Casualty Insurance Company, and Black Rock Enterprises, LLC for the Completion of the Project Entitled "Improvements to Linden Lane and Spruce Street"

WHEREAS, in May 2019, the Municipality of Princeton ("Princeton") executed a contract with Integrated Construction Utilities of N.J. LLC ("ICUNJ") for Improvements to Linden Lane and Spruce Street ("Contract" or "Project"); and

WHEREAS, on November 23, 2020, by Resolution 20-379, the Mayor and Council of Princeton formally terminated the Contract with ICUNJ based on ICUNJ's default under the terms of the Contract; and

WHEREAS, as required by N.J.S.A. 2A:44-143 et seq. and the Contract, in May 2019 The Ohio Casualty Insurance Company ("Ohio") issued Performance and Payment Bonds for the full value of the contract price, with ICUNJ as principal and Princeton as obligee; and

WHEREAS, following termination of the Contract, in furtherance of completion of the remaining work on the Project, Princeton made a claim under ICUNJ's Performance Bond for completion of the balance of the scope of the work under the Project for the original contract price; and

WHEREAS, as part of that process, Ohio solicited bids from several contractors to complete the remaining work, and based on the bids received, and Princeton's input, Ohio selected the firm of Black Rock Enterprises, LLC ("Black Rock") as the contractor to complete the remainder of the Project for the contract price of \$1,434,074.25; and

WHEREAS, pursuant to a Tender Agreement between Princeton, Ohio and Black Rock,

Ohio would assume the Contract from ICUNJ under the Performance Bond, and then assign the Contract for its completion to Black Rock; and

WHEREAS, section 2 of Resolution 20-379 removed certain work from the original Contract with ICUNJ, which included paving and related roadwork on Spruce Street, but due to reasons beyond Princeton's reasonable control, this work was not able to be completed in 2020 as anticipated and therefore, Princeton, Ohio and Black Rock have agreed to complete said work under the Contract pursuant to the Tender Agreement; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for this Project under capital accounts 04-215-16-020-076-361 (\$279,921.30), 04-215-16-022-089-301 (\$1,032,664.60), and 04-215-18-004-089-301 (\$121,488.35).

NOW, THEREFORE, BE IT RESOLVED by the Council of the Municipality of Princeton, County of Mercer, State of New Jersey, as follows:

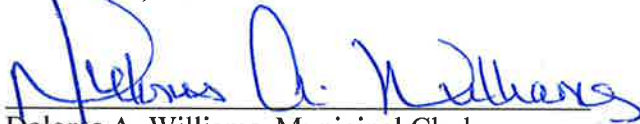
1. The "Whereas" clauses are incorporated herein as if fully restated.
2. Princeton hereby consents to the assumption of the Contract by Ohio, and the assignment of the Contract from Ohio to Black Rock, pursuant to the proposed Tender Agreement between Princeton, Ohio and Black Rock, which is attached hereto as Exhibit A.
3. Section 2 of Resolution 20-379 which removed the paving and related roadwork in reference to Spruce Street from the original Contract is hereby RESCINDED. This work is INCLUDED in the Tender Agreement for completion by Black Rock under the Contract between Princeton and Black Rock.
4. The Mayor and Clerk are hereby authorized and directed to execute the Tender

Agreement that is attached hereto as Exhibit A.

5. The price for completion of the Project is \$1,434,074.25, subject to adjustments as may be necessary for completion and pursuant to the “change order” rules of the Local Public Contracts law.

Councilperson	Absent	Present	1 st	2 nd	Yea	Nay	Abstain	Disqualified
Mr. Cohen		X	X		X			
Ms. Fraga		X			X			
Ms. Niedergang		X		X	X			
Ms. Pirone Lambros		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 on June 28, 2021.



Delores A. Williams, Municipal Clerk

ATTACHMENTS:

- Public Memo to Council re Tender Agreement for 6 28 21 meeting (PDF)
- Linden and Spruce Tender Agreement 6-28-2021 (PDF)