



Municipality of Princeton

*Municipal Building
400 Witherspoon Street
Princeton, NJ 08540-3496*

*Department of Community Development
Office of the Engineer
Telephone (609)921-7077
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ROBERT V. KISER, P.E.
Director of Engineering

MEMORANDUM

To: Robert Bruschi, Administrator

From: Deanna Stockton, P.E., Assistant Engineer

Date: April 2, 2013

Re: **Princeton Community Park Pools and Recreation Facility
Approval of Change Order No. 6 for Hall Building Corporation**

The Engineering, Building, and Recreation Departments have been working with Hall Building Corporation, the project's general contractor, to reach completion on the remaining punch list items and to close out the project accounts. The two largest work items to be addressed are leaking floor and shower drains in the locker rooms, and unacceptable concrete surfaces around the pools. Staff and Cambridge Construction Management endeavored to have these two items, as well as other minor punchlist work, completed before a final change order was brought before Council for project closeout.

When an impasse was reached early this year, Hall Building Corporation contacted their attorney to seek an agreement with Princeton to release some of the \$156,406.00 remaining on the existing contract (\$26,531.00 plus \$129,875.00 2% retainage) in exchange for an agreement to complete remaining punch list work. The interim agreement executed by Edmond Konin, Esq. on March 29, 2013 is attached. Condition 3(c) requires the issuance of "written confirmation that the undisputed change order(s) totaling approximately \$46,000 will be recommended and submitted for approval at the next Princeton Council meeting and approved change order(s) issued thereafter".

Thus, attached herewith, is a request for approval of Change Order #6 in the amount of \$46,213.00. Staff and Cambridge Construction Management has reviewed the change order request and found the work to have been required for the completion of the project. The items of work and associated costs are attached. Please note, Cambridge Construction Management negotiated a lower final dollar value for each of these additional work items, as compared to the original request from Hall.

In consideration of the additional required work that has been performed by Hall Building Corporation, the approval of attached Change Order # 6, resulting in a new contract amount as detailed below, will be appreciated.

Original Contract Amount	\$6,370,000.00
Change Orders #1 – 3	-\$3,672.00
(Approved by Township Committee on 2/27/12)	\$8,751.00
	<u>\$16,491.00</u>
Subtotal	\$6,391,570.00
Change Orders #4 and #5	-\$1,446.00
(Approved by Township Committee on August 20, 2012)	\$103,623.00
	<u>\$103,623.00</u>
Subtotal	\$6,493,747.00
Change Order #6	\$46,213.00
	<u>\$46,213.00</u>
New Contract Amount	\$6,539,960.00

As \$330,000 was initially budgeted for contingencies, sufficient funds are available in the project contingency to absorb the proposed change orders listed above.

If you have any questions please contact me; Robert V. Kiser, P.E., Director of Engineering; or Ben Stentz, Executive Director of Recreation.

Deanna Stockton

Deanna Stockton, P.E., Assistant Engineer

Attachments

DLS/dls

c: Linda McDermott, Municipal Clerk
Edwin W. Schmierer, Municipal Attorney
Edmond M. Konin, Esq.
Ben Stentz, Director of Recreation
Sandra Webb, CFO
Rosanna Roberto, Bookkeeper/Secretary
Robert Hedinger, Hedinger & Lawless LLC
Dan Connelly, Cambridge Construction Management

**Accepted Change Order #6 Total (Final CO Not Yet
 Approved by Princeton Council)**

	HBC Requested Amount	Accepted Amount
6R2	(\$10,251)	(\$10,251)
13	\$835	\$835
19	\$7,364	\$7,364
27	\$8,065	\$6,000
28	\$12,417	\$6,209
33	\$25,568	\$10,000
48	\$1,195	\$1,195
49	\$956	\$956
60	\$8,523	\$8,523
70	\$1,031	\$1,031
71	\$515	\$515
72	\$3,679	\$2,000
74	\$2,773	\$2,773
75	\$665	\$665
76R1	<u>\$8,397</u>	<u>\$8,397</u>
	\$71,734	\$46,214

Accepted Change Order Total

HEDINGER & LAWLESS L.L.C.

ATTORNEYS AT LAW

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Fax: (212) 751-2984

Via E-Mail

March 29, 2013

Edmond M. Konin, Esq.
Mason, Griffin & Pierson, P.C.
101 Poor Farm Road
Princeton, New Jersey 08540

Robert HedingerSM
Robert T. LawlessSM
Richard E. WengerSM
Jason P. PedalinoSM

Joseph M. BoyanSM
Gregory J. ColaoSM
David P. LipariSM

SMMember of NJ Bar
SMMember of NY Bar
SMMember of MA Bar
SMMember of PA Bar
SMMember of DC Bar

**Re: Interim Agreement Regarding Closeout of the Municipality of Princeton
Community Park Pools and Recreation Facility Project
Our File No. 1003**

Dear Ed:

Confirming our various discussions over the last two days, we have agreed on behalf of our respective clients (Hall Building Corp. and the Municipality of Princeton) to proceed as follows with regard to the continuation and closeout of the above project:

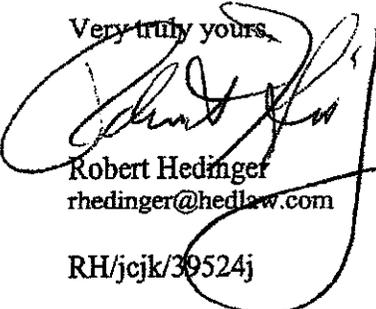
1. Princeton will release a check to HBC by April 2, but no later than April 9, 2013 in the amount of \$75,000 representing a payment on account under the contract between HBC and Princeton. This amount includes payment for the change orders referenced in paragraph 3(c) below.
2. Upon receipt of the check, HBC will schedule the remedial work which Princeton has demanded regarding the pool house area and shower drains and the concrete apron, such work to commence within ten days after receipt of the payment.
3. On or before April 6, 2013, Princeton will:
 - (a) Confirm in writing that it wants HBC to implement the same corrective work for the shower drains as for the area drains as per the February 27, 2013 letter from its architect, Michael E. Carroll, notwithstanding HBC's advice that this work may not be acceptable to the plumbing inspector, and agree in that correspondence that HBC will have no further responsibility for these drains after they are remediated, or provide written direction to HBC setting forth specifically any desired alternative procedure as to the shower drains;
 - (b) De-winterize the drains to facilitate performance of the remedial work;
 - (c) Issue written confirmation that the undisputed change order(s) totaling approximately \$46,000 will be recommended and submitted for approval at the next Princeton Council meeting and approved change order(s) issued thereafter; and

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- (d) Contact HBC to schedule a meeting between HBC and Princeton within two weeks of the date hereof at which the parties will attempt in good faith to resolve all open issues, including pending and unapproved change orders and responsibility for the cost of the remedial-work demanded by the Municipality.
4. It is expressly understood that HBC is proceeding with the remedial work under protest and reserves all rights under the contract to seek compensation from Princeton for its costs to perform the work. The parties hereby agree that the meeting noted above will serve as the mediation required at contract paragraph 15.1.3.
5. HBC has the option of posting a lien discharge bond under N.J.S.A. 2A:44-130 to discharge the lien purportedly filed by Three G's Plumbing & Heating, Inc. as of November 30, 2012. Upon receiving and approving such a bond, Princeton will issue an additional payment on account to HBC of \$29,533.66.
6. The balance of the contract price plus approved change orders and resolved claims less sums to cover open punch list items and the Three G's lien (if not bonded) will be paid to HBC upon completion of the remedial work, with final closeout to follow completion of all punch list work as per the contract.
7. Counsel for HBC and Princeton acknowledge by signing and co-signing this letter that they have authority from their respective clients to commit to the above terms.

Please co-sign this letter below confirming Princeton's acceptance of the above terms of agreement.

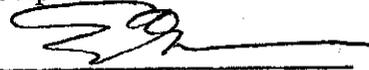
Very truly yours,


Robert Hedinger
rhedinger@hedlaw.com

RH/jcjk/39524j

c: Hall Building Corp.

I, Edmond M. Konin, Esq., as counsel for the Municipality of Princeton, with the full authority of the Borough, hereby agree to the above terms concerning the contract between Hall Building Corp. and Princeton.



MUNICIPALITY OF PRINCETON
COUNTY OF MERCER, STATE OF NEW JERSEY

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., bids were received and awarded to Hall Building Corporation for the reconstruction of the Community Park Pool for a contract amount of six million three hundred seventy thousand (\$6,370,000.00) dollars; and

WHEREAS, the Princeton Township Committee previously approved Change Orders 1 through 5 in the total amount of one hundred twenty three thousand seven hundred forty seven dollars (\$123,747.00) for a revised contract amount of six million four hundred ninety three thousand seven hundred forty seven dollars (\$6,493,747.00); and

WHEREAS, the Princeton Engineering Department recommends the authorization of Change Order No. 6 in the amount of forty six thousand two hundred thirteen dollars (\$46,213.00) for various project changes in accordance with the "Interim Agreement Regarding Closeout of the Municipality of Princeton Community Park Pools and Recreation Facility Project" between Counsel for the Municipality of Princeton and Hall Building Corporation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Princeton that Change Order No. 6 in the amount of forty six thousand two hundred thirteen dollars (\$46,213.00) is hereby approved for the Princeton Community Park Pools and Recreation Facility Project. The contract amount shall now be six million five hundred thirty nine thousand nine hundred sixty dollars (\$6,539,960.00).

CERTIFICATION

I, Linda S. McDermott, Clerk of Princeton, County of Mercer, State of New Jersey, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Mayor and Council at its regular meeting held April 8, 2013.

Linda S. McDermott, Clerk
Municipality of Princeton