



RESOLUTION 20-379

Resolution Terminating The Agreement With Integrated Construction And Utilities of New Jersey LLC (ICUNJ) For "Improvements To Linden Lane And Spruce Street" Project

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 ("Agreement" or "Project"); and

WHEREAS, Princeton issued a Notice to Proceed on October 7, 2019 which provided for 180 calendar days for Substantial Completion of the Project; and

WHEREAS, based on two approved shutdowns (totaling 91 days), the date for Substantial Completion was July 4, 2020; and

WHEREAS, a substantial amount of the work remains incomplete at this time; and

WHEREAS, on November 2, 2020, in coordination with the Princeton Attorney's Office, the Princeton Engineer sent a letter and notice to ICUNJ and its surety The Ohio Casualty Insurance Company via certified mail, return receipt requested, advising that ICUNJ was in default under the terms of the Agreement for having suspended work for ten (10) consecutive days, disregarding and violating provisions of the Contract Documents and failing to prosecute the work according to the Schedule of Completion ("Notice of Termination"); and

WHEREAS, the Engineer's Notice of Termination also provided ICUNJ with notice that Princeton intended to remove certain work from the Agreement pending termination, which included paving and related roadwork; and

WHEREAS, the Notice of Termination explained that ICUNJ's failure to timely complete the roadwork prior to winter threatened to create a public safety issue due to damage to the roadway and its improvements, as well as conditions resulting from the failure to complete same; and

WHEREAS, ICUNJ's default has forced Princeton to secure the services of a new contractor to complete the necessary roadwork on Spruce Street in particular prior to winter as an emergency contract.

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

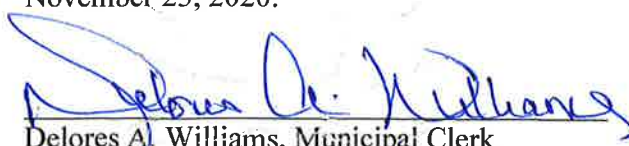
1. The Agreement executed in May 2019 by and between the Municipality of Princeton ("Princeton") and Integrated Construction Utilities of N.J. LLC ("ICUNJ") for Improvements to Linden Lane and Spruce Streets ("Agreement" or "Project") is hereby terminated based on ICUNJ's default under the provisions of section 2.38(a)1. and 3. of the Agreement's General Conditions, as more fully set forth in the Notice of Termination attached hereto as Exhibit A.
2. The specific work identified in the Notice of Termination regarding paving and related roadwork, and specifically in reference to Spruce Street, is hereby removed from this Agreement pursuant to section 2.37 of the General Conditions. The work shall be completed immediately as an emergency services contract under provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-6, and

section 2-1.6(o) of the Princeton Code, and payment therefor deducted from the funds under this Project.

3. The Princeton Administrator, Engineer, Clerk and Attorney, and such other officials and employees as may be appropriate, are hereby authorized to take any and all such actions as may be prudent and necessary to ensure timely and satisfactory completion of this Project, including but not limited to soliciting new bids and contracting for the remainder of the Project and/or requiring that the surety complete the Project.
4. The Clerk is hereby directed to furnish a certified copy of this Resolution to ICUNJ and The Ohio Casualty Insurance Company, by certified mail, return receipt requested.

Councilperson	Absent	Present	1 st	2 nd	Yea	Nay	Abstain	Disqualified
Mr. Cohen		X			X			
Ms. Fraga		X			X			
Ms. Niedergang		X		X	X			
Ms. Pirone Lambros		X			X			
Ms. Sacks		X			X			
Mr. Williamson		X	X		X			
Mayor Lempert		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 November 23, 2020.


 Delores A. Williams, Municipal Clerk

ATTACHMENTS:

- 20-11-02 Notice of Default (PDF)