



RESOLUTION 22-52

Resolution Amending 2021-2022 Agreement With Central Jersey Waste and Recycling, Inc. to Extend the Solid and Bulky Waste, Collection Removal and Disposal Services Contract One Year – For 2022-2022 - And Authorizing Change Order No. 4

WHEREAS, by Resolution 19-380, the municipality of Princeton awarded a one-year contract for solid and bulky waste collection, removal and disposal services to Central Jersey Waste and Recycling, Inc. in the amount of \$566,730.00, based on a unit price of \$104.95 and an estimated 5,400 tons of waste, for the term of February 1, 2020 through January 31, 2021 (“Agreement”); and

WHEREAS, by Resolution 21-47, Princeton approved the extension of the Agreement for the second of a possible two one-year extensions, from February 1, 2021 to January 31, 2022, for the cost of \$108.50 per ton and an estimated 5,400 tons; and

WHEREAS, shortly thereafter, by Resolution 21-78, Princeton approved Change Order No. 1 under the Agreement, increasing the tonnage under the Agreement from 5,400 to 6,400 tons of waste, for a not to exceed amount of \$671,680.00 for services until January 31, 2021 (increasing the original contract by 18.5%); and

WHEREAS, by Resolution 21-266 adopted on August 9, 2021, Council approved Change Order No. 2 which increased the tonnage for the 2021-2022 term of the Agreement (March 2021 through January 2022), from an increased 450 to 520 tons per month and changed the type of service provided by Central Jersey from manual pick up to semi-automated curbside pick-up throughout the municipality, for a change in price to commence on September 1, 2021 and continue until January 31, 2022, and for a new total contract amount for 2021-2022 to

\$696,023.18, which was an increase of \$110,123.18 (19%) over the original amount for 2021-2022 services; and

WHEREAS, by Resolution 22-51, the Council approved Change Order No. 3 to amend the amount for the 2021-2022 services by increasing its not to exceed contract amount to \$710,640.14, which is 22% above the original contract amount for the 2021-2022 services; and

WHEREAS, for the reasons set forth in the Engineer's accompanying memorandum in support hereof, which memorandum is attached hereto and incorporated herein as if fully restated, the Engineer recommends that the third and final term of this contract be awarded to Central Jersey Waste and Recycling Inc.; and

WHEREAS, Central Jersey Waste and Recycling, Inc. has been performing the services under the contract in an effective and efficient manner; and

WHEREAS, also as explained in the attached memorandum, it is necessary to approve Change Order No. 4 to amend the amount for the 2022-2023 services by increasing the tonnage by an additional 1000 tons (from the originally estimated 5,400 to 6,400), and increasing the per ton cost originally estimated from \$111.75 to \$122.60, which changes collectively increase the original price for 2022-2023 services from \$603,450.00 to \$784,640.00, which is a 30% increase in the original estimated cost as bid; and

WHEREAS, this extension of the original contract for year 3, and Change Order No. 4, will exceed 20% of the original contract price for year 3 of the contract (for 2022-2023 services); and

WHEREAS, the Local Public Contracts Rules (N.J.A.C. 5:30-11.9) specify a procedure for change orders which exceed the 20% limitation; and

WHEREAS, the Municipal Attorney's office has consulted with the Municipal Engineer, and has reviewed the factual circumstances surrounding the requested change order and has advised that the issuance of the change order would not constitute an abuse of the aforesaid Rules and procedures; and

WHEREAS, the Chief Financial Officer has certified the availability of adequate funds as required by law in the account 01-201-26-305-273.

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

1. The Solid and Bulky Waste Collection, Removal and Disposal Services Contract with Central Jersey Waste and Recycling, Inc., 432 Stokes Avenue, Ewing, New Jersey 08638 is hereby amended by extending the contract for the third and final term commencing on February 1, 2022 and ending on January 31, 2023, and approving Change Order No. 4 for an amended not to exceed contract cost of \$784,640.00, as more fully described in the above "Whereas" clauses.
2. As a result of the changes described above and in the "Whereas" clauses, the total not to exceed contract amount for the Agreement from February 1, 2022 through January 31, 2023 is 30% above the original contract amount for year 3.
3. Based upon the Municipal Engineer's attached memorandum, the circumstances necessitating approval of the changes necessary for the third and final year of the contract could not reasonably have been foreseen at the time of soliciting bids on this project, which was prior to the COVID-19 pandemic, this amendment to the original contract and Change Order No. 4 are in the best interests of Princeton, and approval hereof would not constitute an abuse of the applicable rules.
4. This Contract extension is awarded pursuant to N.J.S.A. 40A:11-15 because Central Jersey Waste and Recycling, Inc. has performed the services in an effective and efficient manner.
5. When countersigned by Central Jersey Waste and Recycling, Inc., this Resolution

shall serve as an amendment to the original Agreement and memorialize the extension of the term for one additional year, for services from 2022-2023, and increasing the tonnage and final not to exceed amount (Change Order No. 4). All remaining provisions of the original Agreement (as previously amended), not inconsistent herewith, shall remain unchanged.

6. A copy of this Resolution shall be placed on file in the office of the Municipal Clerk.
7. The Municipal Clerk is hereby directed to cause to be printed once in the official newspaper a brief notice indicating the additional amount to be expended, the original contract price, the nature of the original and additional work, and a statement that the additional funds must be expended in order to perform necessary work which could not reasonably have been foreseen by the Municipality or by Central Jersey Waste and Recycling, Inc.. The Clerk shall keep a copy of the advertisement on file, where it shall remain available for public inspection, and shall provide a copy to the Municipal Auditor so that said official may report same in the annual audits covering the contract, as appropriate.
8. The Municipal Clerk shall report to the Division of Local Government Services, on a form provided by said Division, the approval of the change order authorized herein. This report shall be an appendix to the Municipality's annual budget to said Division.

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	X			
Mr. Newlin		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 January 24, 2022.


 Delores A. Williams, Municipal Clerk

ATTACHMENTS:

- Memo of justification for SW change order 1-2022 (DOCX)
- PrincetonContractExtensionOpinionMemo (PDF)