

**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
BOARD TELECONFERENCE MEETING
WEDNESDAY, FEBRUARY 16, 2022 AT 10:00 A.M.**

- 1. NOTICE OF PUBLIC MEETING**
- 2. ROLL CALL**
- 3. REPORT AND RECOMMENDATIONS OF THE SCHOOL REVIEW COMMITTEE (CHAIRMAN’S REPORT)**
 - a. General Construction Services Task Order Contract - Increase Contract Not-To-Exceed Values to \$7,500,000 - Contract No. GP-0259
 - b. Release of Funds from Program Reserve, Award of Task Order, and Approval of the Final Project Charter – Irvington Public Schools District – Grove Street ES – Boiler Replacement – Emergent Project - EP-0119-C01
 - c. Award of Task Order, and Approval of the Final Project Charter – Newark Public Schools District – Cleveland Elementary School – Boiler Room Vault Repair – Emergent Project – EP-0109-C02
- 4. REPORT AND RECOMMENDATIONS OF THE REAL ESTATE COMMITTEE (CHAIRMAN’S REPORT) – TO BE PROVIDED IN EXECUTIVE SESSION**
- 5. EXECUTIVE SESSION**
 - a. Recommendation for Extension of Deadlines in Connection with Property Transferred to the City of Newark
 - b. Litigation/Contract Matter(s) – OPMA Exemption N.J.S.A. 10:4-12b (7)
CCD Report (*no activity*)
- 6. ADJOURNMENT**

**REPORT AND RECOMMENDATIONS OF THE SCHOOL REVIEW COMMITTEE
(CHAIRMAN'S REPORT)**

**General Construction Services Task Order Contract - Increase Contract Not-To-Exceed Values to
\$7,500,000 - Contract No. GP-0259**



MEMORANDUM

TO: Members of the Authority

FROM: Sean Murphy
Director, Procurement

DATE: February 16, 2022

SUBJECT: Increase Contract Not-To-Exceed Values to \$7,500,000
Contract No. GP-0259
General Construction Services Task Order Contract

INTRODUCTION

At the September 4, 2019 NJSDA Board Meeting, the Members of the Authority approved the award of nineteen (19) General Construction Services Task Order (“GCTO”) contracts with Not-To-Exceed (“NTE”) values of \$5,000,000 for the three-year term of the GCTO, which is scheduled to expire on January 1, 2023.

At this time, the Members are requested to approve an increase to the NTE value for each of the nineteen (19) GCTO contracts from \$5,000,000 to \$7,500,000.

Although the NJSDA Operating Authority adopted by the Board on December 1, 2010, as amended March 7, 2012, does not specifically address amendments to construction task order contracts, Board approval is required for amendments to goods and services contracts that exceed \$100,000 or 10% of the contract value. This amendment exceeds both \$100,000 and 10% of the original GCTO contract value.

PROCUREMENT PROCESS FOR GCTO CONTRACT

The GCTO has been structured to quickly initiate two types of work through a pool of contractors available to the NJSDA and able to perform the work. First, the GCTO can be used by the NJSDA to address emergent projects, as designated by the New Jersey Department of Education, pursuant to regulations at N.J.A.C. 6A:26-1.2. Second, the GCTO can be used in situations determined to constitute an “emergency,” consistent with the public exigency exception to the public bidding requirements of N.J.S.A. 52:18A-243i, as determined by NJSDA’s Division of Chief Counsel. Overall, no individual task order can exceed \$3,000,000 and no individual firm can receive more than \$5,000,000 of work per region during the three-year term of the GCTO.

In accordance with NJSDA regulations, the Request for Proposals for the GCTO was advertised beginning on June 13, 2019 for interested firms to participate in the bidding

process. Bidders were required to select a region (North, South, or both) for task order assignments. Responsive Proposals were received by July 19, 2019 from twelve (12) firms. Ultimately, the NJSDA executed nineteen (19) three-year term contracts as indicated in Table 1 below:

TABLE 1

Contractor	Region(s)
APS Contracting, Inc.	North (1 contract)
Brockwell & Carrington Contractors, Inc.	North (1 contract)
Catcord Construction Company, Inc.	Both (2 contracts)
Delric Construction Company, Inc.	Both (2 contracts)
Epic Management, Inc.	Both (2 contracts)
Ernest Bock & Sons, Inc.	Both (2 contracts)
Grafas Painting Contractors, Inc. t/a GPC, Inc.	Both (2 contracts)
Hall Building Corporation	Both (2 contracts)
Integrated Construction Enterprises, Inc.	North (1 contract)
Joseph A. Natoli Construction Corporation	North (1 contract)
Paul Otto Building Company, Inc.	Both (2 contracts)
T.N. Ward Company	South (1 contract)

REASON FOR INCREASE TO CONTRACT NTE VALUES

During the current GCTO, twelve (12) task orders have been issued with a total value of \$9,447,025.68 as indicated in Table 2 below:

TABLE 2

Contractor	Task Orders Issued	Region	Total Value
Catcord Construction Company, Inc.	4	North	\$2,301,331.19
Catcord Construction Company, Inc.	1	South	\$480,049.00
Epic Management, Inc.	2	North	\$480,344.06
Ernest Bock and Sons, Inc.	1	South	\$1,556,864.00
Hall Building Corporation	3	North	\$4,193,494.43
T.N. Ward Company	1	South	\$434,943.00
TOTALS	12		\$9,447,025.68

Based on preliminary total project budgets of approximately \$18,200,000 for twelve (12) task order assignments scheduled to be awarded prior to the expiration of the GCTO on January 1, 2023, it has been determined that the remaining NTE balances on the GCTO contracts are likely to be inadequate to cover the total award value of the twelve (12) anticipated task order assignments for the following reason. Although the majority of task order assignments are being offered to the pool of contractors on a rotational basis, many of the contractors have

Members of the Authority
Contract No. GP-0259
General Construction Services Task Order Contract
February 16, 2022
Page 3 of 3

repeatedly declined assignments based on availability of resources to perform the work. As a result, and as detailed in Table 2 above, to date the majority of task orders have been awarded to a subset of the GCTO pool of contractors. With the expectation that this trend will continue, an increase to the NTE value of the GCTO contracts is necessary to ensure task order award opportunities are available to pool contractors with the resources and willingness to perform the work.

RECOMMENDATION

The Members of the Authority are requested to approve an increase to the NTE value for each of the nineteen (19) GCTO contracts from \$5,000,000 to \$7,500,000.

/s/ Sean Murphy
Sean Murphy, Director-Procurement

Reviewed and Recommended by: Donald Guarriello, Vice President and Chief Financial Officer

Resolution—3a.

Increase Contract Not-To-Exceed Values to \$7,500,000
General Construction Services Task Order Contract
Contract No. GP-0259

Resolution

WHEREAS, while the New Jersey Schools Development Authority's (SDA or the Authority) Operating Authority does not specifically address amendments to construction task order contracts, Board approval is required for amendments to goods and services contracts that exceed \$100,000 or 10% of the contract value; and

WHEREAS, on September 4, 2019, the Members of the Authority approved the award of nineteen (19) General Construction Services Task Order (GCTO) contracts with not-to-exceed (NTE) values of \$5,000,000 for the three-year term of the GCTO which is scheduled to expire on January 1, 2023; and

WHEREAS, the GCTO allows the Authority to quickly initiate two types of work-- emergent projects and emergency situations-- through a pool of contractors available to the SDA and able to perform the work; and

WHEREAS, pursuant to the GCTO, no individual task order can exceed \$3,000,000 overall and no individual firm can receive more than \$5,000,000 of work per region during the GCTO's three-year term; and

WHEREAS, the details of the process employed by the Authority to procure its current GCTO firms, along with a description of the current pool and its utilization by the SDA, and the reasons for the revision proposed are described in detail in the memorandum presented to the Board on this date and incorporated herein; and

WHEREAS, based on total project budgets of approximately \$17,500,000 for twelve (12) task order assignments scheduled to be awarded prior to the expiration of the GCTO contract, management has determined that the remaining NTE balances on the GCTO contracts are likely inadequate to cover the total award value of the twelve (12) anticipated task order assignments for the reasons set forth in the memorandum presented to the Board on this date and incorporated herein; and

WHEREAS, while the majority of task order assignments are being offered to the pool of contractors, their unavailability of resources to perform the work has resulted in the majority of task orders being awarded to a subset of the GCTO pool; and

WHEREAS, given an expectation that this trend will continue, management recommends that the Members of the Authority authorize and approve an increase to the NTE value of the GCTO contracts in order to ensure the availability of task order award opportunities to the maximum number of pool contractors with the resources and willingness to perform the work; and

WHEREAS, at this time, the Members are requested to approve an increase to the NTE value for each of the nineteen (19) GCTO contracts from \$5,000,000 to \$7,500,000, an amendment that exceeds both \$100,000 and 10% of the original GCTO contract value and thus requires Board approval.

NOW, THEREFORE, BE IT RESOLVED, that the Members of the Authority hereby authorize and approve increases to the NTE value of each of the Authority's nineteen (19) GCTO contracts from \$5,000,000 to \$7,500,000 of work per region during the GCTO's three-year term.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor for his approval, unless during such 10 day period, the Governor shall approve same, in which case such action shall become effective upon such approval.

Attached: Memorandum, Increase Contract Not-To-Exceed Values to \$7,500,000 - General Construction Services Task Order Contract, Contract No. GP-0259, dated February 16, 2022

Dated: February 16, 2022

Release of Funds from Program Reserve, Award of Task Order, and Approval of the Final Project Charter - Irvington Public Schools District - Grove Street ES - Boiler Replacement - Emergent Project - EP-0119-C01

MEMORANDUM

TO: Members of the Authority

FROM: Sean Murphy
Director, Procurement

Bob Ryan
Program Director, Construction Operations

RE: District: Irvington Public Schools
Schools: Grove Street Elementary School Boiler Replacement
Package No.: EP-0119-C01
Award: \$2,832,782
CM: NJSDA Self-Managed

DATE: February 16, 2022

SUBJECT: Release of Funds from Program Reserve, Award of Task Order, and Approval of the Final Project Charter
Irvington Public Schools District – Grove Street Elementary School Boiler Replacement Emergent Project

PREFACE

This recommendation is contingent upon the Board's approval, on February 16, 2022, of the procurement action titled: Increase Contract Not-To-Exceed Values to \$7,500,000; Contract No. GP-0259; General Construction Services Task Order Contract.

INTRODUCTION

We are writing to recommend approval by the Members of the Authority for three related actions to address emergent conditions at the Grove Street Elementary School in the Irvington Public Schools District:

1. The release of funds from the NJSDA Program Reserve maintained for emergent projects;
2. The award of a task order to Catcord Construction Company, Inc. in the Not-To-Exceed ("N.T.E.") amount of \$2,832,782; and
3. The Final Charter (copy attached) representing the project budget inclusive of the N.T.E. dollar value for the award of the task order, appropriate contingency, allowances, NJSDA staff costs and other costs.

As discussed below, the recommended actions represent N.T.E values to support development and implementation of the most appropriate, efficient and timely action to address the emergent conditions.

Pursuant to the NJSDA Operating Authority adopted by the Board on December 1, 2010, as amended on March 7, 2012, Board approval is required for the release of monies from the Program Reserve for emergent projects or emergency situations exceeding \$500,000.00. Further, the Operating Authority requires Board approval of the

award of construction contracts greater than \$500,000.00 as well as approval of a Final Project Charter. Both the construction award and the release of funds from the reserve exceed \$500,000.00.

At the July 2008 Board meeting, the Members approved the 2008 New Funding Allocation and Capital Plan which allocated \$97 million to fund emergent projects in the 31 NJSDA Districts.

Additionally, at the March 2, 2011 Board meeting, the Members approved the 2011 Capital Program which allocated an additional \$100 Million to fund emergent projects creating a total reserve of \$197 million to address emergent projects throughout the SDA Districts. Most recently, at the July 1, 2020 Board meeting, the Members approved a reallocation of funds from the Unforeseen Events Reserve to the Emergent Projects Reserve, providing an additional \$55.6 million to support the advancement of emergent projects. Funding for the projects is available within the established reserves for emergent projects.

NJSDA staff shall provide Construction Management oversight for the project.

BACKGROUND

The Grove Street Elementary School (“Grove Street ES”), built in 1925, is an approximately 90,000 square foot facility in the Irvington Public Schools District educating approximately 360 students in grades Pre-Kindergarten through 5.

After DOE approval of the emergent project, the advancement of the work was delegated to the District. After further consideration, and request by the District, the NJSDA decided to advance the work as an NJSDA-managed project.

NJSDA determined to advance the project through the engagement of a General Contractor utilizing the NJSDA’s General Construction Services Task Order Contract, and to require the General Contractor to engage the services of a Design Consultant to complete needed Design Services.

PROCUREMENT PROCESS

The construction task order assignment recommended for this project results from utilization of the NJSDA’s General Construction Services Task Order (“GC Task Order”) Contract.

The Members of the Authority initially approved the use of the GC Task Order Contract on September 4, 2019, and amended its approval on February 16, 2022 to increase the total award amount that each individual firm can receive per region. The GC Task Order Contract has been structured so that the NJSDA has a pool of contractors to perform certain work. Overall, no individual task order can exceed \$3 million and, as amended, no individual firm can receive more than \$7.5 million of work per region during the duration of the Contract. Bidders were required to select a region (North, South, or both) for job order assignments and accept the defined cost multiplier of 1.15, as decided by the NJSDA, for use in establishing compensation for those task order assignments to be performed on a time and materials basis. GC Task Order Contract work may also be assigned on a lump sum basis after competitive bidding among Task Order Contractors.

NJSDA determined to advance the Grove Street ES Project utilizing a rotational task order assignment.

On November 15, 2021, Procurement staff contacted Integrated Construction Enterprises, Inc., the next firm on the contractor rotational list, and on November 16, 2021, the firm declined the Task Order assignment.

On November 16, 2021, Procurement staff contacted Catcord Construction Company, Inc. (“Catcord”), the next firm on the contractor rotational list, and on November 16, 2021, the firm accepted the Task Order assignment.

This package will be awarded on a Time and Material (“T&M”) basis for a N.T.E. value representing the most extensive scope of work pursuant to the NJSDA’s existing GC Task Order Contract.

SCOPE OF WORK

Site visits were held with Catcord on December 1, 2021 and December 14, 2021 at Grove Street ES to review and assess the existing condition of the Boilers and the emergent work related to their replacement. NJSDA staff instructed Catcord to engage a design consultant and any sub-consultants necessary for developing a proposal, cost estimate, and schedule that recognizes an approach to implementing appropriate actions to address the emergent conditions related to replacement of the Grove Street ES Boilers.

The scope of work for this engagement includes:

1. Design Services:
 - Performance of field investigative activities necessary to confirm the conditions and the appropriate course of action, inclusive of sizing of the boilers for:
 - Preparation of necessary plans, specifications and construction documents representing construction activities, inclusive of modifications to the existing structures made necessary by the boiler replacement work;
 - Preparation of documents to secure construction permits; and
 - Preparation of record set drawings and plans at completion of the project.
2. Construction Services:
 - Implementation of the replacement scope of work to include:
 - Demolition of four (4) existing steam boilers and all associated boiler system accessories. Replacement with 3 new steam boilers.
 - Demolition of three (3) existing Heating and Ventilating units, associated connecting ductwork, hot water coils, connecting hot water piping, valves and controls. Replacement with new Heating and Ventilating units.
 - Demolition of four (4) existing exhaust fans and connecting ductwork. Replacement with new exhaust fans and ductwork.
 - Replacement of water piping and steam traps within the boiler room.
 - Installation of new electrical system to support boiler plant and replacement of all lighting in the boiler room.
3. Performance of hazardous materials abatement activities as necessary to implement the above-described scope of work; and
4. Performance of any code or regulatory improvements which are necessitated by implementation of the above-described scope of work.

Three allowances totaling \$415,000.00 have been established to address: hazardous materials and related activities; temporary utilities disconnections/connection; and existing flue/chimney repairs.

On January 28, 2022 Catcord provided the NJSDA with a cost estimate for the most extensive solution to address all scope elements, inclusive of the assessment, design services and implementation of the most extensive scope

of work to remedy the emergent conditions. The recommended award for the work to be performed on a T&M basis at the N.T.E. amount of \$2,832,782 represents Catcord’s cost proposal for all scope of work elements. Upon completion of design, the NJSDA will review and validate the final projected cost and schedule for the scope of work. This review shall result in a determination to either advance the construction work on a T&M basis, for the N.T.E. amount, or to establish a fixed cost for the scope of work defined in the construction documents.

Financial Operations and Construction Operations reviewed Catcord’s cost proposal in the amount of \$2,832,782, and determined it was reasonable for the elements included in the Scope of Work. The Construction Operations Director and the Financial Operations Director recommend the award of a task order to Catcord.

PROJECT BUDGET

Catcord’s cost estimate for the most extensive solution to address the emergent project is \$2,832,782. The total funding, including design costs, construction costs, contingencies, allowances, and NJSDA staff costs is estimated at a value in the amount of \$3,762,782. The funding for the total project costs is available within the NJSDA Program Reserve maintained for emergent projects.

BUDGET SUMMARY

▪ GCTO Design and Construction Costs	\$ 2,417,782
▪ Construction Allowances	\$ 415,000
▪ Construction Contingency	\$ 430,000
▪ Project Management (NJSDA staff)	\$ 360,000
▪ Other Costs	<u>\$ 140,000</u>
Total	\$ 3,762,782

RECOMMENDATION

The Members of the Authority are requested to approve:

1. The release of \$3,762,782 from the Program Reserve maintained for emergent projects;
2. The award of a task order to Catcord Construction Company, Inc. in the N.T.E. amount of \$2,832,782; and
3. The Final Project Charter (copy attached) representing all expended and projected funds necessary for completion of the emergent project at the Grove Street Elementary School in the Irvington Public Schools District.

/s/ Sean Murphy
Sean Murphy, Director, Procurement

/s/ Bob Ryan
Bob Ryan, Program Director, Construction Operations

Reviewed and Recommended by: Donald Guarriello, Vice President and Chief Financial Officer
Reviewed and Recommended by: Gregory Voronov, Managing Director, Planning and Program Operations

New Jersey Schools Development Authority Emergent Project Charter - Summary

Charter Date

02/16/22

Region: Northern
District: Irvington
School Name: Grove Street Elementary School
Project Type: Emergent
DOE # / Project #: 2330-110-20-0BBL
Project Location: 602 Grove St. Irvington, NJ 07111

Supersedes

Charter Dated

N/A

Project Budget: \$ 3,762,782
Anticipated Construction NTP Date September-22
Anticipated Final Completion Date February-23
Project Initiation Date: November-21

Funding Source

2011 Emergent Reserve

Charter Version and Date	Project Summary
<input checked="" type="checkbox"/> Final 02/16/22	The scope of services is for the engagement of a Task Order General Contractor w/ Design Services to address the following scope of work: 1) Replacement of four (4) existing steam boilers as well as all associated boiler system accessories. 2) Replacement of water piping and steam traps within the boiler room. 3) New electrical system to support boiler plant and replace all lighting in the boiler room. 4) Demolish three (3) existing Heating and Ventilating units, associated connecting ductwork, hot water coils, connecting hot water piping, valves and controls. 5) Demolish four (4) existing exhaust fans and connecting ductwork. Replace with new H&V units, new exhaust fans and all associated connecting ductwork and all associated appurtenances.
Revision # and Date	
<input type="checkbox"/> One	
<input type="checkbox"/> Two	
<input type="checkbox"/> Three	
Purpose for Advancement of Emergent Charter	
To establish the final budget for the project inclusive of dollar values for the award for construction, appropriate contingency, allowances, NJSDA staff costs, and estimated other costs.	

Recommendation

/s/ Robert Ryan	Feb 16, 2022	/s/ Gregory Voronov	Feb 16, 2022
Program Director - Project	Date	Managing Director - Program Operations	Date
Robert Ryan		Gregory Voronov	
	Date	VP - Program Ops and Strategic Planning	Date
		Vacant	

Approval

(If Project Budget is greater than \$500,000 Attach Board Memo and Minutes indicating authorization of funding)

/s/ Manuel Da Silva	Feb 16, 2022
Chief Executive Officer	Date
Manuel Da Silva	

**New Jersey Schools Development Authority
Emergent Project Charter
Project Budget**

District / Project Name:	Irvington/Grove Street Elementary School
DOE # / Project #:	2330-110-20-0BBL
Charter Date:	02/16/22

Special Considerations:

The project budget is based upon the award value of the Contract for General Construction Services. Other Costs for projects range from 2% to 5% of Building Costs, with such costs for Emergent Projects budgeted at 5%. These costs are inclusive of projected DCA fees for permits and anticipated inspections. 3 allowances totaling \$415,000 have been established - 1. Hazardous Materials and Related Activities Allowance: \$250,000 2. Temporary Utilities Disconnection/Connection Allowance: \$15,000 3. Existing Flue/Chimney Allowance: \$150,000

Project Budget:

GC Task Order with Design Costs

Design & Construction Costs	\$2,417,782
Allowances	\$415,000
Construction Contingency	\$430,000

Total Construction Costs	\$3,262,782
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Other Costs:

Pre-Design Services	\$0
Project Management (SDA Staff)	\$360,000
Other Costs	\$140,000

Total Other Costs	\$500,000
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PreDevelopment & Environmental Costs:

PreDevelopment	\$0
Environmental/Remediation	\$0

Total PreDevelopment & Environmental Costs	\$0
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Total Project Budget	\$3,762,782
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2011 Emergent Reserve Impact

Prior Funding Approved	\$0
Current Funding Requested	\$3,762,782

Resolution—3b.

Release of Funds from Program Reserve, Award of Task Order, and Approval of Final Project Charter, Irvington Public Schools District – Grove Street Elementary School, Emergent Project – Boiler Replacement

Resolution

WHEREAS, the Operating Authority of the New Jersey Schools Development Authority (SDA or the Authority) requires that the Members of the Authority authorize and approve the release of funds from the Program Reserve for emergent projects or emergency situations exceeding \$500,000; and

WHEREAS, the Operating Authority further requires Board approval of the award of construction contracts greater than \$500,000 as well as final project charters; and

WHEREAS, in September 2019, the Members of the Authority approved the use of the General Construction Task Order Contract (GC Task Order Contract) authorizing establishment of a pool of contractors to perform certain SDA project work; and

WHEREAS, the background and details of the GC Task Order Contract are set forth in the memorandum presented to the Board on this date; and

WHEREAS, in 2008 and 2011, the SDA Board approved a total of \$197 million to fund emergent project work in SDA Districts and, in 2020, the Board approved the reallocation of funds from the SDA's Unforeseen Events Reserve to the Emergent Projects Reserve, providing an additional \$55.6 million to support the advancement of emergent projects; and

WHEREAS, the Grove Street Elementary School (Grove Street ES), built in 1925, is an approximately 90,000 square foot facility in the Irvington Public Schools District (District) educating approximately 360 students in grades Pre-Kindergarten through 5; and

WHEREAS, after identification of boiler-related emergent conditions at the School and Department of Education approval of an emergent project there, advancement of the work was delegated to the District; however, after further consideration and a request by the District, the SDA determined to advance the work as an SDA-managed project through the engagement of a general contractor utilizing the SDA's Board-approved General Construction Services Task Order Contract utilizing a rotational task order assignment; and

WHEREAS, SDA further determined to require the general contractor so engaged to obtain the services of a design consultant to complete the needed design services; and

WHEREAS, when the next firm on the rotational list declined the engagement, on November 16, 2021, Procurement staff contacted Catcord Construction Company, Inc. (Catcord), the next firm on the contractor rotational list and, that same day, Catcord accepted the Task Order assignment; and

WHEREAS, the scope of work for the Project is set forth in detail in the memorandum presented to the Board on this date and includes design services, construction services, hazardous materials abatement activities and performance of necessary code or regulatory improvements; and

WHEREAS, site visits were held with Catcord in December 2021 and SDA staff instructed Catcord to engage a design consultant and any sub-consultants necessary for developing a proposal, cost estimate, and schedule towards implementing appropriate actions to address the emergent conditions related to replacement of the Grove Street ES boilers; and

WHEREAS, on January 28, 2022 Catcord provided the SDA with a cost estimate for the most extensive solution to address all scope elements, inclusive of the assessment, design services and implementation of the most extensive scope of work to remedy the emergent conditions; and

WHEREAS, upon completion of design, the SDA will review and validate the final projected cost and schedule for the scope of work and determine whether to advance the construction work on a T&M basis for the NTE amount, or establish a fixed cost for the scope of work defined in the construction documents; and

WHEREAS, SDA's financial operations and construction operations staff reviewed Catcord's cost proposal in the amount of \$2,832,782 and determined that it was reasonable for the elements included in the scope of work, and the construction operations director and financial operations director recommend the award of a task order to Catcord; and

WHEREAS, the elements of the Project Budget are described in detail in the memorandum presented to the Board on this date, with Catcord's cost estimate for the most extensive solution to address the emergent project established at \$2,832,728; and total funding, including design and review costs, construction costs, contingencies, allowances, and SDA staff costs estimated at a value in the amount of \$3,762,782; and

WHEREAS, management further recommends that the Members of the Authority approve the Project's final charter and the release of \$3,762,782 from the Program Reserve for the Project; and

WHEREAS, funding for the total project costs is available within the SDA Program Reserve maintained for emergent projects; and

WHEREAS, management's recommendation is contingent upon approval of Agenda Item 3a. presented to the Board for consideration on this date.

NOW, THEREFORE, BE IT RESOLVED, that the Members of the Authority hereby authorize and approve the release of \$3,762,782 from the SDA Emergent Program Reserve to address the emergent project at the Grove Street Elementary School Project in the Irvington Public Schools District.

BE IT FURTHER RESOLVED, that the Members of the Authority approve the award of a construction contract to Catcord Construction Company, Inc. in the not-to-exceed amount of \$2,832,782 for construction services.

BE IT FURTHER RESOLVED, that the Members of the Authority approve the final charter for the Grove Street Elementary School Project, presented to the Board on this date and representing all expended and projected funds necessary for completion of the emergent project.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted have been delivered to the Governor for his approval, unless during such 10 day period, the Governor shall approve same, in which case such action shall become effective upon such approval.

Attached: Memorandum, Release of Funds from Program Reserve, Award of Task Order, and Approval Final Project Irvington Pubic Schools District, Grove Street Elementary School, Emergent Project, dated, February 16, 2022

Dated: February 16, 2022

**Award of Task Order, and Approval of the Final Project Charter – Newark Public
Schools District – Cleveland Elementary School – Boiler Room Vault Repair –
Emergent Project – EP-0109-C02**



MEMORANDUM

TO: Members of the Authority

FROM: Sean Murphy
Director, Procurement

Bob Ryan
Program Director, Construction Operations

RE: District: Newark Public Schools
Schools: Cleveland Elementary School Boiler Room Vault Repair
Package No.: EP-0109-C02
Award: \$1,042,507.27
CM: NJSDA Self-Managed

DATE: February 16, 2022

SUBJECT: Award of Task Order, and Approval of the Final Project Charter
Newark Public Schools District – Cleveland Elementary School Boiler Room Vault Repair
Emergent Project

INTRODUCTION

We are writing to recommend approval by the Members of the Authority for two related actions to address emergent conditions at the Cleveland Elementary School in the Newark Public Schools District:

1. The award of a task order to Epic Management, Inc. in the Not-To-Exceed (“N.T.E.”) amount of \$1,042,507.27; and
2. The Final Charter (copy attached) representing the project budget inclusive of the N.T.E. dollar value for the award of the task order, appropriate contingency, allowances, NJSDA staff costs and other costs.

As discussed below, the recommended actions represent N.T.E values to support development and implementation of the most appropriate, efficient and timely action to address the emergent conditions.

Pursuant to the NJSDA Operating Authority adopted by the Board on December 1, 2010, as amended on March 7, 2012, Board approval of the award of construction contracts greater than \$500,000.00 as well as approval of a Final Project Charter. The construction award exceeds \$500,000.00.

As discussed below, on July 7, 2021, the Board approved a release of funds in the amount of \$1,710,723.00 for this project based upon a prior construction award that was subsequently cancelled. As a result, based upon the revised budget for the project no further release of funds is required at this time.

At the July 2008 Board meeting, the Members approved the 2008 New Funding Allocation and Capital Plan which allocated \$97 million to fund emergent projects in the 31 NJSDA Districts.

Additionally, at the March 2, 2011 Board meeting, the Members approved the 2011 Capital Program which allocated an additional \$100 Million to fund emergent projects creating a total reserve of \$197 million to address emergent projects throughout the SDA Districts. Most recently, at the July 1, 2020 Board meeting, the Members approved a reallocation of funds from the Unforeseen Events Reserve to the Emergent Projects Reserve, providing an additional \$55.6 million to support the advancement of emergent projects. Funding for the projects is available within the established reserves for emergent projects.

NJSDA staff shall provide Construction Management oversight for the project.

BACKGROUND

The Cleveland Elementary School (“Cleveland ES”), built in 1912, is an approximately 76,500 square foot facility in the Newark Public Schools District educating approximately 440 students in grades Pre-Kindergarten through 8.

Upon confirmation of the existence of emergent Boiler Room Vault conditions at the school, the NJSDA engaged STV Architects, Inc. (“STV”), on October 3, 2018, for the performance of Pre-Design Services for the Boiler Room Vault conditions.

At the conclusion of those Pre-Design Phase services, the NJSDA determined to advance the project through the engagement of a General Contractor utilizing the NJSDA’s General Construction Services Task Order Contract, and to require the General Contractor to engage the services of a Design Consultant to complete needed Design Services.

PROCUREMENT PROCESS

The construction task order assignment recommended for this project results from utilization of the NJSDA’s General Construction Services Task Order (“GC Task Order”) Contract.

The Members of the Authority initially approved the use of the GC Task Order Contract on September 4, 2019, and amended its approval on February 16, 2022 to increase the total award amount that each individual firm can receive per region. The GC Task Order Contract has been structured so that the NJSDA has a pool of contractors to perform certain work. Overall, no individual task order can exceed \$3 million and, as amended, no individual firm can receive more than \$7.5 million of work per region during the duration of the Contract. Bidders were required to select a region (North, South, or both) for job order assignments and accept the defined cost multiplier of 1.15, as decided by the NJSDA, for use in establishing compensation for those task order assignments to be performed on a time and materials basis. GC Task Order Contract work may also be assigned on a lump sum basis after competitive bidding among Task Order Contractors.

NJSDA determined to advance the Cleveland ES Project utilizing a rotational task order assignment.

On March 4, 2021, Procurement staff contacted Integrated Construction Enterprises, Inc. (“ICE”), the next firm in the contractor rotational list, and on March 12, 2021, the firm confirmed acceptance of the Task Order assignment. On July 7, 2021, the Board approved an Award to ICE in the amount of \$1,235,291.00 and a release of funds in the amount of \$1,710,723.00. Subsequent to the Board’s approval, NJSDA withdrew the Notice of Award to ICE when it was discovered that their current backlog of uncompleted construction work exceeded the firm’s \$15 Million Aggregate Rating Limit.

Multiple GC Task Order Contract firms contacted in rotational order by Procurement staff refused the opportunity. On October 15, 2021, Procurement staff contacted Epic Management, Inc. (“Epic”), the next firm in the contractor rotational list, and on the same day Epic confirmed acceptance of the Task Order assignment.

This package will be awarded on a Time and Material (“T&M”) basis for a N.T.E. value representing the most extensive scope of work pursuant to the NJSDA’s existing GC Task Order Contract.

SCOPE OF WORK

Site visits were held with Epic at Cleveland ES to review and assess the condition of the Boiler Room vault emergent work. NJSDA staff instructed Epic to engage a design consultant and any sub-consultants necessary for developing a proposal, cost estimate, and schedule that recognizes an approach to implementing appropriate action(s) to address the emergent conditions related to repair of the Cleveland ES Main Boiler Room Vault and removal of the Sidewalk Vault.

The scope of work for this engagement includes:

1. Design Services:
 - Performance of field investigative activities necessary to confirm the conditions and the appropriate course of action for:
 - Relocation of Gas Service into Main Boiler Room Vault;
 - Removal of Sidewalk Vault;
 - Removal and replacement of Plaza deck waterproofing and Plaza deck;
 - Repair or replacement of Main Boiler Room Vault roof slab;
 - Performance of foundation wall waterproofing;
 - Repair raised Plaza stone retaining wall; and
 - Replacement of light fixtures.
 - Preparation of necessary plans, specifications and construction documents representing construction activities, inclusive of modifications to the existing structures;
 - Preparation of documents to secure construction permits; and
 - Preparation of record set drawings and plans at completion of the project.
2. Construction Services:
 - Implementation of the repair and/or replacement scope of work to address:
 - Relocation of Gas Service into Main Boiler Room Vault;
 - Removal of Sidewalk Vault;
 - Removal and replacement of Plaza deck waterproofing and Plaza deck;
 - Repair or replacement of Main Boiler Room Vault roof slab;
 - Performance of foundation wall waterproofing;
 - Repair raised Plaza stone retaining wall; and
 - Replacement of lighting fixtures.
3. Performance of hazardous materials abatement activities as necessary to implement the above described scope of work; and
4. Performance of any code or regulatory improvements which are necessitated by implementation of the above-described scope of work.

An allowance of \$240,000.00 has been established for impacted and unsuitable soils; hazardous materials and related activities; additional investigative and design activities including special inspections; temporary utilities disconnections/connection; and temporary shoring and bracing allowance.

On January 26, 2022, Epic provided the NJSDA with a cost estimate to complete the entirety of the work, inclusive of the assessment, design services and implementation of the most extensive scope of work to remedy the emergent conditions. The recommended award for the work to be performed on a T&M basis at the N.T.E. amount of \$1,042,507.27 represents Epic’s cost proposal for the most extensive solution for most of the scope elements including:

- Relocation of Gas Service into Main Boiler Room Vault;
- Removal of Sidewalk Vault;
- Removal and replacement of Plaza deck waterproofing and Plaza deck;
- Repair Main Boiler Room Vault roof slab;
- Performance of foundation wall waterproofing;
- Repair raised Plaza stone retaining wall;
- Replacement of lighting fixtures; and
- Any anticipated code improvements necessary to implement the above scope.

Field investigative activities will determine if replacement rather than repair of the Boiler Room Vault Plaza roof slab is required. Until completion of field investigative activities, Epic cannot present a reasonable and well-considered price proposal for replacement of the roof slab and therefore the NTE value for the engagement is based upon its repair.

Upon completion of design, the NJSDA shall review and validate the final projected cost and schedule for the scope of work. This review shall result in a determination to either advance the construction work on a T&M basis, for the N.T.E. amount, or to establish a fixed cost for the scope of work defined in the construction documents.

Financial Operations and Construction Operations reviewed Epic’s cost proposal in the amount of \$1,042,507.27 and determined it was reasonable for the elements included in the Scope of Work. The Construction Operations Director and the Financial Operations Director recommend the award of a task order to Epic.

PROJECT BUDGETS

Epic’s cost estimate for the most extensive scope of work to address the emergent project is \$1,042,507.27. The total funding, including design costs, construction costs, contingencies, allowances, and NJSDA staff costs is estimated at a value in the amount of \$1,664,389.27. The funding for the total project costs is available within the NJSDA Program Reserve maintained for emergent projects.

BUDGET SUMMARY

▪ GCTO Design and Construction Costs	\$ 802,507.27
▪ Construction Allowances	\$ 240,000.00
▪ Construction Contingency	\$ 160,000.00
▪ Pre-Design Costs	\$ 61,882.00
▪ Project Management (NJSDA staff)	\$ 350,000.00
▪ Other Costs	<u>\$ 50,000.00</u>
▪ Total	\$ 1,664,389.27

RECOMMENDATION

The Members of the Authority are requested to approve:

1. The award of a task order to Epic in the N.T.E. amount of \$1,042,507.27; and
2. The Final Project Charter (copy attached) representing all expended and projected funds necessary for completion of the emergent project at the Cleveland Elementary School in the Newark Public Schools District.

/s/ Sean Murphy

Sean Murphy, Director, Procurement

/s/ Bob Ryan

Bob Ryan, Program Director, Construction Operations

Reviewed and Recommended by: Donald Guarriello, Vice President and Chief Financial Officer

Reviewed and Recommended by: Gregory Voronov, Managing Director, Planning and Program Operations

New Jersey Schools Development Authority Emergent Project Charter - Summary

Charter Date

02/16/22

Region: Northern
District: Newark
School Name: Cleveland Elementary School
Project Type: Emergent
DOE # / Project #: 3570-350-17-0AEX
Project Location: 388 Bergen St. Newark, NJ 07103

Supersedes

Charter Dated

N/A

Project Budget: \$ 1,664,389
Anticipated Construction NTP Date September-22
Anticipated Final Completion Date February-23
Project Initiation Date: November-18

Funding Source

2011 Emergent Reserve

Charter Version and Date	Project Summary
<input checked="" type="checkbox"/> Final 02/16/22	<p>The scope of services is for the engagement of a Task Order General Contractor w/ Design Services to address the following scope of work:</p> <p>Boiler Room Vault Structural Repairs - Relocation of Gas Service into Main Boiler Room Vault; Removal of Sidewalk Vault; Removal and replacement of Plaza deck waterproofing and Plaza deck; Repair or replace Main Boiler Room Vault roof slab; Performance of foundation wall waterproofing; Repair raised Plaza stone retaining wall; Replacement of lighting fixtures; and Any hazmat abatement and code improvements necessary to implement the above scope.</p> <p style="text-align: center;">Purpose for Advancement of Emergent Charter</p> <p>To establish the final budget for the project inclusive of dollar values for the award for construction, appropriate contingency, allowances, NJSDA staff costs, and estimated other costs.</p> <p><i>THIS CHARTER REPLACES THE CHARTER APPROVED BY THE BOARD IN JULY 2021.</i></p>
Revision # and Date	
<input type="checkbox"/> One	
<input type="checkbox"/> Two	
<input type="checkbox"/> Three	

Recommendation

/s/ Robert Ryan	Feb. 16, 2022	/s/ Gregory Voronov	Feb. 16, 2022
Program Director - Project	Date	Managing Director - Program Operations	Date
Robert Ryan		Gregory Voronov	
	Date	VP - Program Ops and Strategic Planning	Date
		Vacant	

Approval

/s/ Manuel Da Silva	Feb. 16, 2022
Chief Executive Officer	Date
Manuel Da Silva	

**New Jersey Schools Development Authority
Emergent Project Charter
Project Budget**

District / Project Name:	Newark/Cleveland Elementary School
DOE # / Project #:	3570-350-17-0AEX
Charter Date:	02/16/22

Special Considerations:

The project budget is based upon the award value of the Contract for General Construction Services. Other Costs for projects range from 2% to 5% of Building Costs, with such costs for Emergent Projects budgeted at 5%. These costs are inclusive of projected DCA fees for permits and anticipated inspections. 5 allowances totaling \$240,000 have been established - 1. Hazardous Materials and Related Activities \$100,000, 2. Impacted and Unsuitable Soils \$50,000, 3. Temporary Utilities Disconnection/Connection \$15,000, 4. Additional Investigative and Design Activities \$50,000 and 5. Temporary Shoring and Bracing \$25,000

Project Budget:

GC Task Order with Design Costs	
Design & Construction Costs	\$802,507
Allowances	\$240,000
Construction Contingency	\$160,000
Total Construction Costs	\$1,202,507
Other Costs:	
Pre-Design Services	\$61,882
Project Management (SDA Staff)	\$350,000
Other Costs	\$50,000
Total Other Costs	\$461,882
PreDevelopment & Environmental Costs:	
PreDevelopment	\$0
Environmental/Remediation	\$0
Total PreDevelopment & Environmental Costs	\$0
Total Project Budget	\$1,664,389
2011 Emergent Reserve Impact	
Prior Funding Approved	\$1,897,173
Current Funding Requested	\$0

Resolution—3c.

Award of Task Order Contact and Approval of Final Project Charter - Cleveland Elementary School,
Newark Public Schools District, EP-0109-C02,
Emergent Project – Boiler Room Vault Repair

Resolution

WHEREAS, the Operating Authority requires Board approval of the award of construction contracts greater than \$500,000 as well as final project charters; and

WHEREAS, built in 1912, the Cleveland Elementary School (School) is an approximately 76,500 square foot facility in the Newark Public Schools District educating approximately 440 students in grades pre-kindergarten through 8; and

WHEREAS, upon confirmation of the existence of emergent boiler room vault conditions (the Project) at the School, the SDA engaged STV Architects, Inc., on October 3, 2018, for the performance of pre-design phase services; and

WHEREAS, at the conclusion of those pre-design phase services, the SDA determined to advance the Project through the engagement of a general contractor utilizing the SDA's general construction services task order (GCTO) contract, and to require the general contractor to engage the services of a design consultant to complete needed design services; and

WHEREAS, at the September 4, 2019 SDA Board Meeting, the Members of the Authority approved the use of the GCTO Contract for the Project, utilizing a rotational task order assignment, upon terms described in detail in the memorandum presented to the Board on this date and incorporated herein; and

WHEREAS, on March 4, 2021, procurement staff contacted the next firm on the contractor rotational list, and on March 12, 2021, the firm confirmed acceptance of the task order assignment; and

WHEREAS, SDA subsequently determined that the firm's current backlog of uncompleted construction work exceeded the firm's aggregate rating limit and withdrew the notice of award; and

WHEREAS, on October 15, 2021, SDA staff contacted Epic Management, Inc. (Epic), a firm on the contractor rotational list and Epic confirmed acceptance of the task order assignment; and

WHEREAS, the Project's scope of work is set forth in detail in the memorandum presented to the Board on this date and incorporated herein; and

WHEREAS, on January 26, 2022, Epic provided the SDA with a cost estimate to complete the entirety of the work, inclusive of the assessment, design services and implementation of the most extensive scope of work to remedy the emergent conditions; and

WHEREAS, with the recommended award, the work would be performed on a time and materials (T&M) basis, for the not-to-exceed (NTE) amount of \$1,042,507.27, representing Epic's cost proposal for the most extensive solution for most of the scope elements; and

WHEREAS, field investigative activities will determine if replacement, rather than repair, of the boiler room vault plaza roof slab is required and must precede Epic's presentation of a reasonable and well-

considered price proposal for replacement of the roof slab with the result that the NTE value for the engagement is based upon its repair; and

WHEREAS, upon completion of design, the SDA shall review and validate the final projected cost and schedule for the scope of work and determine to either advance the construction work on a T&M basis for the NTE amount, or establish a fixed cost for the scope of work defined in the construction documents; and

WHEREAS, financial operations and construction operations staff have reviewed Epic's cost proposal in the amount of \$1,042,507.27 and determined it is reasonable for the elements included in the scope of work, and the directors of construction operations and financial operations recommend the award of a task order to Epic; and

WHEREAS, management further recommends that the Members of the Authority approve the Project's final charter; and

WHEREAS, funding for the total project costs is available within the SDA Program Reserve maintained for emergent projects; and

WHEREAS, as the construction award for the Project exceeds \$500,000, Board approval is required.

NOW, THEREFORE, BE IT RESOLVED, that the Members of the Authority hereby authorize and approve the award of a task order to Epic Management, Inc. in the not-to-exceed amount of \$1,042,507.27, and the final project charter representing all expended and projected funds necessary for completion of the emergent project at the Cleveland Elementary School in the Newark Public Schools District.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor for his approval, unless during such 10 day period, the Governor shall approve same, in which case such action shall become effective upon such approval.

Attached: Memorandum, Award of Task Order and Approval Final Project Charter, Cleveland Elementary School, Newark Public Schools District, EP-0109-C02, Emergent Project, dated February 16, 2022

Dated: February 16, 2022

**REPORT AND RECOMMENDATIONS OF THE REAL ESTATE COMMITTEE
(CHAIRMAN'S REPORT)**

TO BE PROVIDED IN EXECUTIVE SESSION

RESOLUTION TO ADJOURN INTO EXECUTIVE SESSION

Resolution—4.

Resolution to Adjourn into Executive Session

Resolution

WHEREAS, the “Senator Byron M. Baer Open Public Meetings Act” (OPMA), N.J.S.A. 10:4-6, declares “the right of the public to be present at all meetings of public bodies” except as expressly provided in the Act; and

WHEREAS, N.J.S.A. 10:4-12 (b) provides that a public body may exclude the public from that portion of a meeting at which the public body discusses, among other things, any matter involving the lease... of real property with public funds...or any pending or anticipated litigation or contract negotiations in which the public body is or may become a party...falling within the attorney-client privilege, to the extent that confidentiality is required to preserve the attorney-client relationship; and

WHEREAS, the Members of the Authority have before them on this date one matter that, pursuant to N.J.S.A. 10:4-12, is appropriate for consideration in Executive Session consistent with the provisions of the OPMA; and

WHEREAS, the matter to be considered by the Board in Executive Session is a real estate matter involving the proposed extension of deadlines established by contract and by deed and pertaining to certain property located in the West Ward and previously conveyed by the Authority to the City of Newark; and

WHEREAS, the minutes of the Board’s February 16, 2022 Executive Session meeting will be available for release for public review upon the full and final conclusion of all negotiations, legal proceedings, settlements, and the execution of all documentation, agreements and leases associated therewith.

NOW, THEREFORE, BE IT RESOLVED, that the Members of the Authority hereby resolve to adjourn into Executive Session to consider and deliberate with regard to the matter described herein and to subsequently vote on Agenda Item No. A1. upon the Board’s return to Open Session.

BE IT FURTHER RESOLVED, that the minutes of the Board’s February 16, 2022 Executive Session meeting will be available for release for public review upon the full and final conclusion of all negotiations, legal proceedings, settlements, and the execution of all documentation, agreements and leases associated therewith.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor for his approval, unless during such 10 day period, the Governor shall approve same, in which case such action shall become effective upon such approval.

Attached: Resolution to Adjourn into Executive Session, dated February 16, 2022

Dated: February 16, 2022