

RESOLUTION 24-xxx

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 5 FOR THE DOG PARK AT
TINDALL PARK**

WHEREAS, the Township Committee originally contracted with Mixalia Enterprises for the Dog Park at Tindall Park in the amount of \$532,000.00; and

WHEREAS, the contractor and Township have encountered unforeseen circumstances requiring the change order as proposed; and

WHEREAS, the Township requires additional estimated quantities as listed on Change Order No. 5 increasing the contract by \$20,690.00, making the total amount of the contract to date \$690,312.45; and

WHEREAS, the amount of the change orders requested is a total net increase of \$158,312.45, which represents in total more than the aggregate maximum increase of 20% allowed by N.J.A.C 5:34-11-3(a)(9); and

WHEREAS, Colliers Engineering & Design (CED) has provided a statement per N.J.A.C. 5:30-11.9 indicating that Change Order No. 5 is required due to drainage issues; and

WHEREAS, CED also recommends the retention of the current contractor as they already have knowledge of the site conditions; and

WHEREAS, the Chief Financial Officer for the Township of Middletown has certified that free and unencumbered funds in the amount of \$20,690.00 are available for this purpose in account/line-item number(s) T-03-56-802-120-004. A copy of the said certification is attached hereto and made part hereof.

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown that an amendatory contract for Change Order No. 5, with an increase in the amount of \$20,690.00, be authorized and executed by the appropriate officials.