

ITEM 1905-26 NJ TRANSIT RESILIENCE PROGRAM: BAY HEAD SUBSTATION CONSTRUCTION CONTRACT AND CONSTRUCTION MANAGEMENT SERVICES CONTRACT

Superstorm Sandy caused significant damage to the Bay Head Substations.

The Bay Head Substation Project includes replacement of the existing substation and construction of a new generator building and two wayside power substations.



ITEM 1905-26 NJ TRANSIT RESILIENCE PROGRAM: BAY HEAD SUBSTATION CONSTRUCTION CONTRACT AND CONSTRUCTION MANAGEMENT SERVICES CONTRACT

- Seeking authorization to contract with **PKF-Mark III, Inc.** for **Construction Services** (No. 17-026X), for the construction of the new Bay Head Substation Project, in an amount not to exceed **\$20,657,858.61**, plus five percent for contingencies, subject to the availability of funds.
- Seeking authorization to contract with **T. Y. Lin** for **Construction Management Services** (No. 17-008), during construction of the new Bay Head Substation Project in an amount not to exceed **\$3,059,350.72**, plus five percent for contingencies, subject to the availability of funds.



ITEM 1905-26: NJ TRANSIT RESILIENCE PROGRAM: BAY HEAD SUBSTATION CONSTRUCTION CONTRACT AWARD AND CONSTRUCTION MANAGEMENT SERVICES CONTRACT AWARD

WHEREAS, NJ TRANSIT seeks to enhance the capacity, reliability, and resiliency of its electrical service in Bay Head Yard; and

WHEREAS, On October 29, 2012, the storm surge from Superstorm Sandy caused significant damage to two of the Bay Head Yard substations; and

WHEREAS, NJ TRANSIT is committed to advancing long-term recovery and resiliency projects resulting from Superstorm Sandy that allow facilities and equipment to better withstand and recover from extreme weather events; and

WHEREAS, authorization of this Construction Contract and Construction Management Services Contract will allow for replacement of the two existing substations in Bay Head Yard in a resilient manner; and

WHEREAS, the Bay Head Substation has been designed and situated to provide reliable and resilient electric power to both the wayside power systems and supporting rail yard infrastructure; and

WHEREAS, the new substation will be elevated 2.5 feet above the base flood elevation and includes a second utility feeder to increase the reliability of the service from the electric company; and

WHEREAS, the NJ TRANSIT Office of Business Development (OBD) assigned a Race Neutral Disadvantaged Business Enterprise goal for this construction contract, and PKF-Mark III, Inc., identified 11.42 percent DBE participation; and

WHEREAS, upon completion of a competitive procurement process, it was determined that PKF-Mark III, Inc. submitted the lowest responsive and responsible bid; and

WHEREAS, the NJ TRANSIT OBD assigned a Race Neutral Disadvantaged Business Enterprise goal for this construction management services contract, and T. Y. Lin of Hackettstown, New Jersey, identified 7.29 percent DBE participation; and

WHEREAS, upon completion of a competitive procurement process, it was determined that T. Y. Lin of Hackettstown, New Jersey, submitted the most qualified responsive, responsible bid; and

WHEREAS, the Federal Transportation Authority and Transportation Trust Fund are the anticipated sources of funding for this project;

NOW, THEREFORE, BE IT RESOLVED, that the Chair or Executive Director is authorized to enter into NJ TRANSIT Contract No. 17-026X with PKF-Mark III, Inc., for providing construction services for the new Bay Head Substation Project in the amount not to exceed \$20,657,858.61, plus five percent for contingencies, subject to the availability of funds; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Chair or Executive Director is authorized to enter into NJ TRANSIT Contract No. 17-008 with T. Y. Lin of Hackettstown, New Jersey, for providing construction management services during construction of the new Bay Head Substation Project in the amount not to exceed \$3,059,350.52, plus five percent for contingencies, subject to the availability of funds.

CONTRACT EXECUTION FORM

CONTRACT NO.

This Agreement made this 26th day of SEPTEMBER 2017, between the New Jersey Transit Corporation, hereinafter referred to as NJ TRANSIT, and **PKF-Mark III Inc., 17 Blacksmith Road, 1st Floor, Newtown, PA 18940** hereinafter referred to as the Contractor.

WITNESSETH:

Whereas, the said Contractor, for and in consideration of the payments hereinafter specified and agreed to be made by NJ TRANSIT, hereby covenants and agrees to furnish and deliver all materials and to do and perform all work and labor required to complete the **Bay Head Yard Substation Replacement** within **1,100 consecutive calendar days** from the issuance of the official notice to proceed, in strict and entire conformity with the specifications for the project, which said specifications are as follows and are hereby made a part of this Contract as fully and with the same effect as if the same had been set forth at length in the body of this Contract:

Bidders Proposal
Performance / Payment Bond
Non-Collusion Affidavit
New Jersey Prevailing Wage Determination
Federal Prevailing Wage Determination
Prevailing Wage Affidavit
Contractor's Certification of Eligibility
Affidavit of Compliance
Ownership Disclosure
Disclosure of Investment Activities in Iran
Federal EEO Provisions for Construction Contracts
State EEO Provisions for Construction Contracts
Certification for Contracts, Grants, Loans and Cooperative Agreements
Buy America Certificate
DBE Provisions
General Provisions
Special Provisions
Technical Provisions
Addendum: 1-15

The Contractor agrees to make payment of all proper charges for labor and materials required in the aforementioned work.

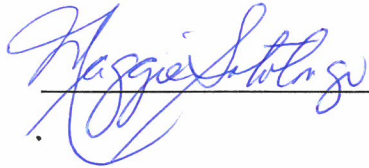
It is also agreed and understood that the acceptance by the Contractor of the final payment by NJ TRANSIT shall be considered as a release in full of all claims against the Executive Director

and NJ TRANSIT out of, or by reason of, the work done and materials furnished under this Contract.

In consideration of the premises, NJ TRANSIT hereby agrees to pay to the Contractor for the said work when completed in accordance with the said specifications, the sum of **\$20,657,858.61**. It is understood that payments shall be the total of the unit prices written in this Contract for the work actually done.

In Witness Whereof, the Contracting Officer of NJ TRANSIT has signed this instrument and caused it to be attested, and the Contractor has caused this instrument to be signed by its _____ and attested by its _____ the day and year first written.

ATTEST:



NEW JERSEY TRANSIT CORPORATION

By: 

Contracting Officer

ATTEST:



Name: MARK J REISINGER
Title: VICE PRESIDENT / SECRETARY

CONTRACTOR

By: 

Name: GLENN A. EBY
Title: AGENT

The above Contract has been reviewed and approved as to form only.

**GURBIR GREWAL
ATTORNEY GENERAL OF NEW JERSEY**

By: 

Deputy Attorney General

7/22/19