

**BOROUGH OF MENDHAM  
MORRIS COUNTY, NEW JERSEY**

**RESOLUTION# 139-2024**

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 AND AN AMENDATORY CONTRACT FOR THE  
PHOENIX HOUSE STRUCTURAL UPGRADES AND INTERIOR RESTORATION PROJECT**

**WHEREAS**, the Borough of Mendham awarded a professional service agreement to Connolly & Hickey Historical Architects to perform architectural services in conjunction with the Phoenix House Structural Upgrades and Interior Restoration Project (the "Project"); and

**WHEREAS**, per the attached Change Order No. 2 dated August 29, 2024, and certification from Connolly & Hickey dated September 11, 2024, it has been determined that it would be more efficient in terms of cost and time to complete additional interior improvements, including many related to electrical and fire-safety code compliance, while the walls and ceilings are open for the structural upgrades, resulting in the need to modify the contract from the originally estimated quantities needed for the Project, increasing the total contract price; and

**WHEREAS**, these deficiencies could not have been reasonably foreseen prior to bidding the Project because they could not have been anticipated prior to the walls and ceilings being opened and the full scope of work needed becoming apparent; and

**WHEREAS**, the Borough previously approved Change Order No. 1 dated December 21, 2023, in the amount of \$225,499.89, increasing the total contract price to \$580,097.89; and

**WHEREAS**, the cost of Change Order No. 2 is \$135,250.00, which increase exceeds the 20% limitation set forth in N.J.A.C. 5:30-11.3, and increases the total contract price to \$715,347.89; and

**WHEREAS**, in accordance with N.J.A.C. 5:30-11.3, the Borough must follow the procedures set forth in N.J.A.C. 5:30-11.9 to complete the work; and

**WHEREAS**, on September 9, 2024, the Finance Committee met and reviewed Change Order No. 2, recommending that the Borough Council consider approval; and

**WHEREAS**, in accordance with N.J.A.C. 5:30-11.9, Connolly & Hickey has submitted a request for the change order, along with a certification setting forth why the additional work is required, why the additional work could not have been foreseen, why the change order would be in the best interest of the Borough, and why approving the change order would not constitute an abuse of N.J.A.C. 5:30-11.9; and

**WHEREAS**, the Borough Administrator has submitted to the Borough Council the request

for the change order and the certification, noting that the total cost remains within the grant amounts awarded to the Borough, resulting in no budgetary affect; and

**WHEREAS**, the request was discussed by the Borough Council at the September 11, 2024 Council meeting; and

**WHEREAS**, the Borough Attorney has reviewed the documentation and found it to be in accordance with the Local Public Contracts Law and requirements for change orders; and

**WHEREAS**, the Borough Council has determined that the additional work is justified under the circumstances and desires to authorize Change Order No. 2 and award an amendatory contract to Paragon Restoration Corporation to proceed with Project; and

**WHEREAS**, the Chief Financial Officer has certified that funds for Change Order No. 2 are available; and

**WHEREAS**, the Project is being funded through grant funding, with a partial matching contribution from the Borough.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor Borough Council of the Borough of Mendham, County of Morris, State of New Jersey, as follows.

1. Change Order No. 2 dated August 28, 2024 in the amount of \$135,250.00 is hereby authorized.
2. The Borough is authorized to amend the original contract, attached hereto and incorporated herein, with Paragon Restoration Corporation in an amount not to exceed \$135,250.00 for the additional work detailed in Change Order No. 2.
3. The Clerk shall report to the Director, Division of Local Government Services on an appendix to Borough's annual budget all change orders from the previous fiscal year which exceeded 20% limitation on a form provided by the Director, and a summary of the report shall be included as supplemental material in the annual audit of the Borough.
4. Notice of this action shall be published in the official newspapers for the Borough of Mendham.

This Resolution shall take effect immediately.

Dated: September 23, 2024

ATTEST

BOROUGH OF MENDHAM

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Lauren McBride, Acting Borough Clerk

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Christine Serrano Glassner, Mayor