



CITY OF ALLENTOWN

No. 136

**RESOLUTION**

**R - 2020**

***Introduced by the Administration on November 18, 2020***

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**Authorization for Change Order Number 5: with Synergy Environmental, Inc., in the amount of \$15,040 for additional fees associated with a remedial action plan for underground storage tanks.**

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***Resolved by the Council of the City of Allentown, That***

**WHEREAS**, Article 130.16 of the City's Administrative Code requires City Council approval by Resolution for the award of contracts or engagement of professional services.

**WHEREAS**, it is the desire of the City of Allentown to increase the contractual sum of the previously awarded agreement with the following named contractor/consultant, for the use and purpose indicated in supporting the Contract dated December 9, 2019:

1. Name of Contractor/Consultant: Synergy Environmental, Inc.,
2. Project or Contract Reference: C12-000210
3. Description of Service(s) to be provided: additional fees associated with the Deeping of the wells.

**NOW, THEREFORE, BE IT RESOLVED**, on this the 18<sup>th</sup> day of November, 2020, that the Council of the City of Allentown, hereby authorizes the Mayor and/or such other City officials as deemed appropriate by the City Solicitor, to sign and execute a Contract or Amendment and such other agreements and documents as are deemed by the City Solicitor to be necessary and/or related thereto, with the above named contractor/consultant, for the project identified.



**CITY OF ALLENTOWN**  
**Request for Approval**

**SUBJECT:** Request for Approval by City Council of Contract Price Increase Pursuant to City Ordinance, Article 130.16

Project or Contract Reference: C12-000210/Site Characterization Report Preparation- Streets Department Underground Storage Tank Removal.

**TO:** City Council, City Clerk, and Council Solicitor

**FROM:** Craig Messinger, Department Head

**DATE:** October 28, 2020

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Pursuant to City Ordinances, Article 130.16, this Recommendation of Award is before City Council for its approval of the contract consideration increase.

- This recommendation is for a contract consideration increase of 10% or more for an existing contractual sum. Said contract was previously bid and awarded under city policies.
- The contract appropriation or price increase **is** included in this year's budget
- List the name and address of the recommended Contractor/Vendor, include the following:

Synergy Environmental, Inc., 155 Railroad Plaza, 1<sup>st</sup> Floor, Royersford, PA 19468

Contract Consideration:	\$24,590.00
Change Order No. 1:	\$4,000.00- council approval 12/17/2019
Change Order No. 2:	\$2,850.00
Change Order No. 3	\$19,850.00- council approval 5/20/20
Change Order No. 4 v&r	\$18,267.05
Change Order No. 5	<u>\$15,040.00</u>
New Contract	<u>\$84,597.05</u>

Funding Source: Risk-081-02-8001-0001-80

- Description of project or scope of services to be provided and why is an increase needed:

**History:** In accordance with the PaDEP the City needs a Site Characterization Report, for the removal of the current underground storage tanks, in accordance with the provisions detailed in section 245.309 of the PADEP Corrective Action Process (CAP) regulations.

During the process of executing the current contract, the City was advised that in order to get reimbursed funding from the Underground Storage Tank Indemnification Fund (USTIF), the City would need an additional Work Plan to be prepared specifically for USTIF's approval prior to Synergy commencing their work. The USTIF approval is a prerequisite for project funding reimbursement

Change Order Number No. 1 was presented to the Change Order Committee, hereinafter referred to as "Committee", and approved on or about December 7, 2019 and subsequently approved by City Council on or about December 17, 2019. The change order was for a contract sum increase of more than 10% of the current contractual value, in order to prepare the USTIF required Work Plan that is necessary, as referenced above.

Change Order No. 2. was presented to the Committee and approved on or about March 4, 2020. This change order was to increase the contract sum by \$2,850.00, which was *below* 10% of the contract value of \$28,590.00, at the time, and therefore did not need Council approval. This change order was to add a soft dig excavation at all three (3) of the potential monitoring wells, this service was not inclusive in the contract's work scope.

Change Order No. 3 was presented to the Committee and approved on or about May 8, 2020 and subsequently approved by City Council on or about May 20, 2020. The change order was for an increase of more than 10% of the current contractual value, in order to comply with the PaDEP the City needs to deepen the site monitoring wells to depths more than 110 feet. The Contractor has suggested to deepen the said wells to 125 feet, which should provide the best opportunity to encounter groundwater.

Change Order No. 4. was presented to the Committee and approved on or about July 15, 2020. This change order was to *decrease* the contract sum by \$9,200.00, a decrease in contract sum does not require Council approval. The reason for the contract sum decrease was cited as the cost to deepen the wells was not as much as anticipated.

Change Order No. 4-void and re-issue- was presented to the Committee and approved on or about August 26, 2020 and subsequently approved by City Council on September 16, 2020. The change order was a corrective change order and a re-issue. The original Change Order No. 4, as referenced above, was previously submitted to the committee, and approved, as a deduction of \$9,200.00. It later came to light that it should not have occurred and there was a miscommunication. The original Change Order No. 4 was issued in error. **Change Order No. 4 – void and re-issue-** is a change order to correct that error and also increase the contract value by \$18,267.05 in order to encapsulate the additional net fees that were incurred for the well deepening.

**Currently: Change Order No. 5-** was presented to the Committee and approved on or about October 23, 2020. The change order was for an increase of more than 10% of the current contractual value and a one (1) year contract term extension. The reason for the change order is the PADEP now requires the City to have a Remedial Action Plan to be prepared and implemented, which was not in place at the time this project was originally bid. This calls for ongoing monitoring of the wells and testing of the water quality to determine if the water quality will remain consistent over time.

- List the current Contract Term and if an increase is needed:

The existing contract term shall cease on December 9, 2021.

- List any renewal term options and duration of each renewal, if any:

n/a

- Maximum dollar value of all renewals provided for beyond the original term as if all renewals were exercised:

n/a

A vote of final approval is requested of the members of Council and by passing the accompanying resolution, this Contract will be deemed approved

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By: Craig Messinger, Department Head

Copies To: Mayor  
Director of Finance  
Purchasing  
Controller

Attachment: proposed resolution