

Introduced in Council on above date and referred to Committee on January 9, 2024

PUBLIC WORKS

Scranton, Pa., January 16, 2024
Committee on Public Works reports favorably on the within resolution

City Clerk

Chair

RESOLUTION NO. 5

2024

RATIFYING AMENDMENTS TO RESOLUTION NUMBER 336 OF 2023, ENTITLED "AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO A CONTRACT WITH BORTON-LAWSON ENGINEERING, INC. TO PERFORM CITY OF SCRANTON'S REQUEST FOR MINOOKA AND WEST SCRANTON STORMWATER ENGINEERING SERVICES" TO INCLUDE VENDOR'S SUGGESTED EDITS.

WHEREAS, through Resolution 336 of 2023, City Council authorized the Mayor and other appropriate city officials to enter into a contract with Borton-Lawson Engineering Inc. for work that includes the study, design, permitting bidding and construction phase consultation for stormwater management and drainage improvements in West Scranton as shown on the West Scranton Target area map; and

WHEREAS, while the original contract was out for signature, the parties since seek to edit the contract in the following ways:

1. Updated Contact Information for Point of Contact
2. Updated End date of June 1, 2025 for term
3. Inclusion of Invoice and Payment Terms section that also includes a calculation of \$113,882.00 for initial lump sum payment to include reimbursable expenses
4. A mutual indemnification clause, and
5. A standard of care clause; and

WHEREAS, the City will still collectively receive a 10% discount on the immediate contract and another contract for the North Scranton target area; and

WHEREAS, it is the best interests of the City of Scranton and its residents to authorize the City to contract with Borton Lawson Inc. by and through the proposed amendments.

NOW, THEREFORE, BE IT RESOLVED that Resolution 336 of 2023 is hereby ratified to reflect the amendments that authorize the Mayor and other appropriate city officials to enter into a contract with Borton-Lawson Engineering Inc. for work that includes the study, design, permitting bidding and construction phase consultation for stormwater management and drainage improvements in Minooka and West Scranton areas as shown on the Target area map, as amended, to include the following Sections/Clauses: Updated Term Clause, Invoice and Payment Terms Section, a mutual indemnification clause, and a Standard of Care Section.

SECTION 1. If any section, clause, provision or portion of this Resolution shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Resolution so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Resolution or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and Intent of this Resolution and the effective administration thereof.

SECTION 2. This Resolution shall become effective immediately upon approval.

CERTIFIED COPY


City Clerk

SECTION 3. This Resolution is enacted by the Council of the City of Scranton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", and any other applicable Law arising under the laws of the State of Pennsylvania.

Passed by the Council

January 16, 2024

Receiving the Affirmative votes of Council Persons

KING, SCHUSTER, ROTHCHILD, MCANDREW, SMURL

Negative NONI

[Signature]
President

Approved 1/22/2024

[Signature] Mayor

[Signature] City Clerk

Certified Copy