

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2011-133

Council Meeting Date: 05-09-2011

Date Adopted: 05-09-2011

TITLE: RESOLUTION APPROVING FINAL CLOSEOUT OF THE PROJECT
COMMONLY KNOWN AS "LIGHTING SYSTEM UPGRADES AND
OCCUPANCY SENSOR INSTALLATION"

Councilperson Cucco submitted the following resolution, which was duly seconded by Councilperson Vyzas.

WHEREAS, the Borough of New Providence awarded a contract to Wojchik Electric, Inc. for the project commonly known as "Lighting System Upgrades And Occupancy Sensor Installation", and

WHEREAS, the Engineering Department has determined that the project has been completed; and

WHEREAS, the Borough Engineer recommends the release of the final payment, in the amount of \$3,275.40.

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of New Providence, County of Union and State of New Jersey that they hereby approve final payment in the amount of \$ \$3,275.40 to Wojchik Electric, Inc., 288 West Railway Ave., Paterson, N.J. 07503.

Approved this 9th day of May, 2011.

RECORD OF VOTE

| | AYE | NAY | ABSENT | NOT VOTING |
|-----------|-----|-----|---------------------------|------------|
| CUCCO | X | | | |
| GALLUCCIO | X | | | |
| GENNARO | X | | | |
| LESNEWICH | X | | | |
| MUÑOZ | X | | | |
| VYZAS | X | | | |
| HERN | | | TO BREAK COUNCIL TIE VOTE | |

I hereby certify that the above resolution was adopted at a meeting of the Borough Council held on the 9th day of May, 2011

Wendi B. Barry, Borough Clerk

MEMORANDUM

To: Doug Marvin, Borough Administrator

From: Mark Demareski, Assistant Borough Engineer *gmo*

CC: Wendi Barry, Borough Clerk (w/attachments)
Carl Woodward, Borough Attorney (w/attachments)
Andrew R. Hipolit, P.E., Borough Engineer
Jim Johnston, Public Work Manager
Keith Lynch, Construction Official

Date: May 3, 2011

**RE: Resolution for Final Closeout Payment
Lighting System Upgrades and Occupancy Sensor Installation**

With reference to the above captioned project, I hereby transmit Final Closeout Payment in the amount of \$3,275.40 for the above referenced project (Attachment 1). Wojchik Electric, Inc. has completed the energy efficient lighting replacement and installation of timers and motion sensors at the Fire House, Senior Center and Municipal Building. The final contract amount including Change Order #1, 2, 3 and Deduct Change Order #4 is \$48,836.98.

The Engineering Department received approval for the electrical work completed in July 2009 by Wojchik Electric, Inc from the Construction Department. Attached please find a final Contract Sum dated October 28, 2009, the Consent of Surety dated February 6, 2009 and Maintenance Bond dated February 6, 2009 (Attachment 2).

The Engineering Department has confirmed that all NJ Clean Energy "as built" documents and final inspections have been performed. The initial grant amount of \$6,990 was received on December 10, 2010. The Engineering Department has been diligent in following up with Wojchik Electric, Inc. and NJ Clean Energy on all of the necessary paperwork and closeout information to receive the entire rebate amount. With all of the additional energy efficient work approved per resolution for Change Orders #1, 2 and 3, the Engineering Department was able to receive an additional \$1,000. The final grant amount of \$2,900 was received on April 5, 2011.

| | |
|---------------------------------------|--------------------|
| Initial Grant Amount | \$ 6,990.00 |
| Additional Grant received for Changes | \$ 1,000.00 |
| Final Grant Amount | <u>\$ 2,900.00</u> |
| Total | \$ 10,890.00 |

The Engineering Department by taking this initiative in installing energy efficient lighting and sensors in the interior of the municipal buildings, the Borough has reduced its energy savings and yearly cost. The Borough will also receive a payback for this work performed for energy savings in about 2-1/2 years. Below is a summary of the projected savings that the Borough has received with this proactive initiative:

| <u>Locations</u> | <u>Municipal Center</u> | <u>Senior Center</u> | <u>Fire House</u> |
|------------------|-------------------------|----------------------|-------------------|
| kWh saved/year | 175,042kWh | 33,471 kWh | 22,345 kWh |
| \$ saved/year | \$28,006.00 | \$ 6,025.00 | \$ 4,916.00 |

The Engineering and Construction Department have already had preliminary discussions and meetings with a contractor on energy efficient lighting to be installed for the exterior of the municipal buildings and the parking lot lights.

Based on review of the work performed and the NJ Clean Energy grant received, I recommend that the Mayor and Council approve Final Closeout Payment in the amount of \$3,275.40 to Wojchik Electric, Inc.

If you have any questions or require additional information, please give me a call.

Attached are copies for your reference.

File: Architectural Services/Energy Efficient Lighting
Capital Account #15--247-911-3-40027
Capital Account #15—247-677-3-40037

ATTACHMENT 1

Wojchik Electric

Resolution No. 2008-383 \$ 46,158.97

| Application No. | Purchase Order | Invoice # | Wojchik Electric | Engineering Dept. | Administration | Resolution | Change Order | Balance | Retainage | Payments | Total |
|-----------------|----------------|-----------|------------------|-------------------|----------------|------------|--------------|--------------|-----------|--------------|--------------|
| 1 | PO# | 1 | Received | Approved | Approved | 2009-95 | CO# | \$ 38,367.10 | \$ 410.10 | \$ 7,791.87 | \$ 7,791.87 |
| 2 | | 2 | 04-Mar-09 | Approved | Approved | 2009-191 | | \$ 31,689.60 | \$ 352.50 | \$ 6,697.50 | \$ 14,489.37 |
| 3 | | 3 | 23-Jun-09 | Approved | Approved | 2009-209 | | \$ 18,804.89 | \$ 677.30 | \$ 12,864.71 | \$ 27,354.08 |
| | CO1 | | 09-Jul-09 | Approved | Approved | 2009-208 | \$ 319.49 | | | | |
| 4 | | 4 | 9/9/09 | Approved | Approved | 2009-282 | | \$ 9,021.61 | \$ 531.52 | \$ 10,102.77 | \$ 37,456.85 |
| 5 | | 5 | 16-Oct-09 | Approved | Approved | 2009-319 | | \$ 3,577.45 | \$ 286.54 | \$ 5,444.16 | \$ 42,901.01 |
| | CO2 | | 22-Oct-09 | Approved | Approved | 2009-334 | \$ 1,406.75 | | | | |
| | CO3 | | 28-Oct-09 | Approved | Approved | 2009-335 | \$ 1,595.44 | | | | |
| | PerCO2 | | | Approved | Approved | | | \$ 5,172.89 | \$ - | \$ 1,406.75 | \$ 44,307.76 |
| 6 | Sensors | 6 | 20-Nov-09 | Approved | Approved | 2009-361 | | \$ 3,919.37 | | \$ 1,253.52 | \$ 45,561.28 |
| 7 | DCO4 | 7 | 13-Apr-10 | Approved | Approved | 2010-107 | \$ (643.67) | | | | |
| FINAL | Closeout | | | Approved | Approved | PENDING | | | | \$ 3,275.70 | \$ 48,836.98 |

| | | | |
|---------------------|--------------|-----------------------------|-------------|
| Contract Sum | \$ 48,836.98 | Balance of Contract | \$ - |
| Remaining | \$ - | Retainage 5% | \$ 2,441.85 |
| | | Change Order above Contract | \$ 9,231.79 |
| | | 20% | |
| | | C.O.#1 | \$ 319.49 |
| | | C.O.#2 | \$ 1,406.75 |
| | | C.O.#3 | \$ 1,595.44 |
| | | D.CO.#4 | \$ (643.67) |
| | 5.80% | Total Remaining | \$ 6,553.78 |

ATTACHMENT 2

CHANGE ORDER

OWNER
ARCHITECT
CONTRACTOR
FIELD
OTHER

THIS DOCUMENT HAS IMPORTANT LEGAL CONSEQUENCES; CONSULTATION WITH AN ATTORNEY IS ENCOURAGED WITH RESPECT TO ITS COMPLETION OR MODIFICATION.

PROJECT: Borough of New Providence Lighting
(Name and address) Upgrade Project

CHANGE ORDER NO: **4 (Deduct)**

INITIATION DATE: October 28, 2009

TO CONTRACTOR: Wojchik Electrical Contractors
(Name and address)

PROJECT NOS:

CONTRACT FOR: Lighting Upgrades

CONTRACT DATE: February 2, 2009

The Contract is changed as follows:

Deduct for work not performed under Change Order 3. Credit issued for not installing sensors in gymnasium men's and women's bathrooms and in 2nd floor women's bathroom. Sensors were quoted at \$108.06 each. Total deduct for three is \$324.18.

Not valid until signed by the Architect, Contractor and Owner.

| | | |
|--|----|-----------|
| The original Contract Sum was | \$ | 46,158.97 |
| Net change by previously authorized Change Orders | \$ | 3,002.19 |
| The Contract Sum prior to this Change Order was | \$ | 49,161.16 |
| The Contract Sum will be DECREASED by this Change Order | \$ | (324.18) |
| The new Contract Sum including this Change Order will be | \$ | 48,836.98 |
| The Contract Time will be unchanged. | | |

The date of Substantial Completion as of the date of this Change Order therefore is UNCHANGED

NOTE: This Change Order does not include changes in the Contract Sum or Contract Time which have been authorized by Construction Change Directive for which the cost or time are in dispute as described in Subparagraph 7.3.8 of AIA Document A205-1993..

CONTRACTOR

Wojchik Electric, Inc.

ADDRESS

288 W. Railway Ave., Paterson, NJ 07503

BY _____ DATE _____

ARCHITECT

Metro Energy Solutions, Inc.

ADDRESS

1140 Bloomfield Ave., West Caldwell, NJ

BY Robert Germinsky DATE: _____

OWNER

Borough of New Providence

ADDRESS

360 Elkwood Ave., New Providence, NJ 07974

BY _____ DATE _____

**CONSENT OF SURETY
TO FINAL PAYMENT**

AIA Document G707

(Instructions on reverse side) Bond No. CSC-216930

OWNER
ARCHITECT
CONTRACTOR
SURETY
OTHER

TO OWNER:

(Name and address)

Borough of New Providence
360 Elkwood Ave.
New Providence, NJ 07974

ARCHITECT'S PROJECT NO.:

CONTRACT FOR: Lighting System Upgrades and
Occupancy Sensors

PROJECT:

(Name and address)

Borough of New Providence
360 Elkwood Ave.
New Providence, NJ 07974

CONTRACT DATE: 02/06/2009

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the

(Insert name and address of Surety)

Colonial Surety Company
50 Chestnut Ridge Road
Montvale, NJ 07645

on bond of

(Insert name and address of Contractor)

Wojchik Electric, Inc.
288 West Railway Ave.
Paterson, NJ 07503

, SURETY,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve the Surety of
any of its obligations to

(Insert name and address of Owner)

Borough of New Providence
360 Elkwood Ave.
New Providence, NJ 07974

, CONTRACTOR,

as set forth in said Surety's bond.

, OWNER,

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date: June 3, 2010

(Insert in writing the month followed by the numeric date and year.)

Colonial Surety Company

(Surety)

(Signature of authorized representative)

Anthony J. Cimasko, Attorney-in-Fact

(Printed name and title)

Attest:
(Seal):

Lianne Hansen



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AIA DOCUMENT G707 • CONSENT OF SURETY TO FINAL PAYMENT • 1994 EDITION • AIA
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G707-1994

COLONIAL SURETY COMPANY
 Duncannon, Pennsylvania
 Administrative Office: 50 Chestnut Ridge Road, Montvale, New Jersey 07645

GENERAL POWER OF ATTORNEY

Know all Men by These Presents, That COLONIAL SURETY COMPANY, a corporation duly organized and existing under the laws of the Commonwealth of Pennsylvania and having an administrative office in Montvale, Bergen County, NJ, does by these presents make, constitute and appoint

Wayne Nunziata or Anthony J. Cimasko or Jeremy Zareski of Montvale and the State of New Jersey its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver

Any and All Bonds

and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of the Colonial Surety Company at a meeting held on the 25th day of July, 1950.

"Be it Resolved, that the President, any Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

"Section 1. Attorney-in-Fact. Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company to execute, acknowledge and deliver any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents cancelling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary."

"In Witness Whereof, Colonial Surety Company has caused these presents to be signed by its President and its corporate seal to be hereunto affixed the 24th day of March, A.D., 2008.

State of New Jersey }
 County of Bergen } SS-



COLONIAL SURETY COMPANY
 By Wayne Nunziata
 Wayne Nunziata, President

On this 24th day of March, in the year 2008, before me
Theresa Simmons, a notary public, personally appeared
Wayne Nunziata, personally known to me to be the person who
 executed the within instrument as President, on behalf of the corporation therein named and
 acknowledged to me that the corporation executed it.



THERESA SIMMONS
 A Notary Public of New Jersey
 My Commission Expires September 2, 2010

Theresa Simmons
 Theresa Simmons, Notary Public

I, the undersigned Secretary of Colonial Surety Company, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Company, and do hereby further certify that the said Power of Attorney is still in force and effect.

And I do hereby further certify that the Certification of this Power of Attorney is signed and sealed by facsimile under and by the authority of the following resolution adopted by the Board of Directors of the Colonial Surety Company at a meeting duly called and held on the 30th of January 1950, and that said resolution has not been amended or repealed:

"RESOLVED, that the signature of the Secretary or any Assistant Secretary of this Corporation, and the seal of Corporation, may be affixed or printed by facsimile to any certificate to a Power of Attorney of this Corporation, and that such printed facsimile signature and seal shall be valid and binding upon this Corporation."

GIVEN under my hand and the seal of said Company, at Montvale, New Jersey this 3rd day of June, 2010.

Original printed with Blue and Black ink
 For verification of the authenticity of this Power of Attorney you may call 201-573-8798 and ask for the Power of Attorney clerk. Please refer to the above named individual(s) and details of the bond to which the power is attached.

Frederick S. Gallo
 Frederick S. Gallo, Secretary

State of New Jersey

County of Bergen

On this 3rd day of June, in the year 2010, before me, Lianne Hansen, a Notary Public, personally came Anthony J. Cimasko, known to me to be an Attorney-in-Fact of Colonial Surety Company, the corporation described in the within instrument, and I acknowledge that he executed the within instrument as the act of said Colonial Surety Company in accordance with authority duly conferred upon his by said Company.

Lianne Hansen
A Notary Public of New Jersey
My Commission Expires May 15, 2014

Lianne Hansen

Lianne Hansen

Notary Public

COLONIAL SURETY COMPANY

- Inc. 1930 -

50 Chestnut Ridge Road
Montvale, NJ 07645
201-573-8788

BOND NUMBER: CSC-216930M

MAINTENANCE BOND

KNOW ALL PERSONS BY THESE PRESENTS:

That Wojchik Electric, Inc., Paterson, NJ
as Principal, and COLONIAL SURETY COMPANY, as Surety, are held and firmly bound unto
BOROUGH OF NEW PROVIDENCE, NEW PROVIDENCE, NJ 07974

as Obligee, in the full and just sum in the amount of
Four Thousand Six Hundred Fifteen Dollars And Ninety Cents Dollars (\$4,615.90),

lawful money of the United States, to the payment of which sum, well and truly to be made, the
Principal and Surety bind themselves, their and each of their heirs, executors, administrators,
successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has entered into a written contract dated February 6th, 2009
with the Obligee for

Lighting System Upgrades and Occupancy Sensor Installations

WHEREAS, said contract provides that the Principal will furnish a bond conditioned to guarantee for
the period of after approval of the final estimate on said job, by the owner, against all defects in
workmanship and materials which may become apparent during said period.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that, if the Principal
shall indemnify the Obligee for all loss that the Obligee may sustain by reason of any defective
materials or workmanship which become apparent during the aforesaid period, then this obligation
shall be void, otherwise to remain in full force and effect.

Signed and sealed this 3rd day of June, 2010.

Rita M. Wojchik
(Witness)

Wojchik Electric, Inc.
By [Signature] (Seal)
(Principal)

COLONIAL SURETY COMPANY
By [Signature] (Seal)
Attorney-in-Fact
Anthony J. Cimasko

COLONIAL SURETY COMPANY

Duncannon, Pennsylvania
Administrative Office: 60 Chestnut Ridge Road, Montvale, New Jersey 07645

GENERAL POWER OF ATTORNEY

Know all Men by These Presents, That COLONIAL SURETY COMPANY, a corporation duly organized and existing under the laws of the Commonwealth of Pennsylvania and having an administrative office in Montvale, Bergen County, NJ does by these presents make, constitute and appoint

Wayne Nunziata or Anthony J. Cimasko or Jeremy Zaroski
of Montvale and the State of New Jersey its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver.

Any and All Bonds

and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of the Colonial Surety Company at a meeting held on the 25th day of July, 1950.

"Be it Resolved, that the President, any Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

"Section 1. Attorney-in-Fact. Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents cancelling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary."

"In Witness Whereof, Colonial Surety Company has caused these presents to be signed by its President and its corporate seal to be hereto affixed the 24th day of March, A.D., 2008.

State of New Jersey }
County of Bergen } SS:



COLONIAL SURETY COMPANY

By [Signature]
Wayne Nunziata, President

On this 24th day of March in the year 2008, before me Theresa Simmons a notary public, personally appeared Wayne Nunziata, personally known to me to be the person who executed the within instrument as President on behalf of the corporation therein named and acknowledged to me that the corporation executed it.



THERESA SIMMONS
A Notary Public of New Jersey
My Commission Expires September 2, 2010

[Signature]
Theresa Simmons Notary Public

I, the undersigned Secretary of Colonial Surety Company, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Company, and do hereby further certify that the said Power of Attorney is still in force and effect.

And I do hereby further certify that the Certification of this Power of Attorney is signed and sealed by facsimile under and by the authority of the following resolution adopted by the Board of Directors of the Colonial Surety Company at a meeting duly called and held on the 30th of January 1968, and that said resolution has not been amended or repealed:

RESOLVED, that the signature of the Secretary or any Assistant Secretary of this Corporation, and the seal of Corporation, may be affixed or printed by facsimile to any certificate to a Power of Attorney of this Corporation, and that such printed facsimile signature and seal shall be valid and binding upon this Corporation."

GIVEN under my hand and the seal of said Company, at Montvale, New Jersey this 03 day of June, 2010

For verification of the authenticity of this Power of Attorney you may call (201) 575-0708 and ask for the Power of Attorney clerk. Please refer to the above named individual(s) and details of the bond to which the power is attached.

[Signature]
Frederick B. Gallo, Secretary

State of New Jersey

County of Bergen

On this 3rd day of June, in the year 2010, before me, Lianne Hansen, a Notary Public, personally came Anthony J. Cimasko, known to me to be an Attorney-in-Fact of Colonial Surety Company, the corporation described in the within instrument, and I acknowledge that he executed the within instrument as the act of said Colonial Surety Company in accordance with authority duly conferred upon his by said Company.

Lianne Hansen
A Notary Public of New Jersey
My Commission Expires May 15, 2014

Lianne Hansen

Lianne Hansen

Notary Public

