RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2011- 293

Council Meeting Date: 11-14-2011 Date Adopted: 11-14-2011

TITLE: RESOLUTION APPROVING CHANGE ORDER #1 FOR ARNOLD'S ROADS INC, IN THE DEDUCT AMOUNT OF $208.00, FOR THE PROJECT COMMONLY KNOWN AS "DIVISION AVENUE SIDEWALK IMPROVEMENTS"

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

WHEREAS, Arnold's Roads Inc., original contract amount was $38,735.50 for the project commonly known as "Division Avenue Sidewalk Improvements"; and

WHEREAS, Change Order #1 in the deduct amount of $208.00 is due to reduced actual construction quantities; and

WHEREAS, based upon the review of Change Order #1, the Borough Engineer agrees with the request for the contract deduct and is recommending Change Order #1.

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 Change Order #1 for Arnold's Roads, Inc., in the deduct amount of $208.00 be approved for the project commonly known as "Division Avenue Sidewalk Improvements".

BE IT FURTHER RESOLVED Mayor and Borough Clerk be authorized to sign same.

APPROVED, this 14th day of November, 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 14th day of November, 2011

Wendi B. Barry, Borough Clerk

BOROUGH OF
NEW PROVIDENCE
SETTLED IN 1720

J. Brooke Hern, Mayor
Andrew R. Hipolit, Borough Engineer
Mark G. Demareski, Assistant Engineer

MEMORANDUM

To: Doug Marvin, Borough Administrator

From: Mark Demareski, Assistant Borough Engineer MD

CC: Wendi Barry, Borough Clerk (w/attachments)
Carl Woodward, Esq., Borough Attorney (w/attachments)
Andrew Hipolit, P.E., Borough Engineer

Dated: November 4, 2011

RE: Resolution for Change Order #1 and Final Payment
Division Avenue Sidewalk Improvements
Safe Street to Transit

With reference to the above captioned project, I hereby transmit Project Change Order (No. 1 and Final) in the deduct amount of (-) $208.00 and Final Payment in the amount of $7,890.74 for approval through Resolution by the Mayor and Council. Arnold's Roads Inc. has completed the entire project including the site clearing, curbing, asphalt driveways, concrete driveways and sidewalks, landscaping and traffic markings from 37 to 65 Division Avenue and Maser Consulting has verified that all punchlist items have been completed.

The original contract amount was $38,735.50 and total cost of this change to the contract is minus $250.00 resulting in a decrease. The amended contract amount is $38,527.50 including deduct Change Order #1.

Final closeout documents for Arnold's Roads Inc. are as follows:

1. Project Change Order (No. 1 and Final)
2. Final Payment
3. Maintenance Bond valid for a period of 2 years from the date of acceptance
4. Affidavit
5. Release

Based on review of the work completed and the deduct amount accepted by Arnold's Roads Inc., I recommend that the Mayor and Council approve Project Change Order (No. 1 and Final) in the deduct amount of (-) $208.00 and therefore a Final Payment for this project in the amount of $7,890.74 to Arnold's Roads Inc.

Attached are copies for your reference.

File: Division Avenue Sidewalk Improvement Project

360 Elkwood Avenue ♦ New Providence ♦ NJ ♦ 07974
908-665-1129 ♦ 908-665-8361 (Fax)
www.newprov.org

ATTACHMENT 1

Project Change Order
The Borough of New Providence

Change Order #1 and Final
Date: 10-19-11

Project: Division Avenue Sidewalk Improvements

Contractor: Arnold's Road,Inc.
8 Dante Road
Monroe Township, NJ 08831

The following changes are authorized to this contract:

A Itemized Changes

Item	Purpose	Amount [Add; (deduct)]
14A	Concrete Driveway, 6" Thick	$ (208.00)

B	Net change to contract:	$ (208.00)
C	Original contract sum:	$ 38,735.50
D	20% of original contract sum =	$ 7,747.10
E	Total of all previous change orders:	$ -
F	Total of all C.O.s (NOT TO EXCEED LINE D)	$ (208.00)
G	New contract total:	$ 38,527.50

Recommended by:

Signed: _____
Department Head

Date: 10-27-11

Authorized by:

Signed: _____
Borough Administrator

Date: _____

Accepted by contractor's agent:

Signed: _____

Firm: ARNOLD'S ROADS, INC.

Date: 10-25-11

Approved by Council Resolution:

Date: _____

Certified : _____
Borough Clerk

ATTACHMENT 2

FINAL PAYMENT

Division Avenue Sidewalk Improvements

Contractor: Arnold's Road
8 Dante Road
Monroe Township, NJ 08831

Original Base Bid	=	**$38,735.50**
Deduct Change Order #1	=	**($208.00)**
Final Contract		**$38,527.50**

Owner: Borough of New Providence
360 Elkwood Ave
New Providence, NJ 07974

ITEM NO.	DESCRIPTION BASE BID	UNITS	QUANTITIES BID	ACTUAL		UNIT PRICE		TOTAL
1.	CLEARING SITE	LS	1	1	@	$ 2,500.00	=	$ 2,500.00
2.	BREAKAWAY BARRICADES	UN	5	5	@	$ 10.00	=	$ 50.00
3.	DRUMS	UN	20	20	@	$ 10.00	=	$ 200.00
4.	TRAFFIC CONES	UN	30	30	@	$ 5.00	=	$ 150.00
5.	CONSTRUCTION SIGNS	SF	200	200	@	$ 1.00	=	$ 200.00
6.	TRAFFIC DIRECTOR, FLAGGER (WAGE RATE)	MH	80	80	@	$ 51.60	=	$ 4,128.00
	TRAFFIC DIRECTOR, FLAGGER (BALANCE)	MH	80	80	@	$ 23.40	=	$ 1,872.00
7.	NO ITEM	----	-	-	@	$ -	=	$ -
8.	NO ITEM	----	-	-	@	$ -	=	$ -
9.	NO ITEM	----	-	-	@	$ -	=	$ -
10.	BICYCLE SAFE GRATE (PHASE II STORM WATER COMPLIANT GRATE)	UN	1	1	@	$ 250.00	=	$ 250.00
11.	CURB PIECES (TYPE 'N' ECO CURB PIECE)	UN	1	1	@	$ 250.00	=	$ 250.00
12.	CONCRETE SIDEWALK, 4" THICK	SY	360	360	@	$ 54.00	=	$ 19,440.00
13.	NO ITEM	----	-	-	@	$ -		$ -
14.	NO ITEM	----	-	-	@	$ -	=	$ -
15.	DETECTABLE WARNING SURFACES	UN	4	4	@	$ 150.00	=	$ 600.00
16.	GRANITE CURB	LF	270	270	@	$ 16.00	=	$ 4,320.00
17.	TRAFFIC STRIPES, LONG-LIF, EPOXY RESIN, 4"	LF	665	665	@	$ 2.00		$ 1,330.00
18.	NO ITEM	----	-	-	@	$ -	=	$ -
19.	TOPSOILING, 4" THICK	SY	175	175	@	$ 1.00	=	$ 175.00
20.	FERTILIZING AND SEEDING, TYPE A-3	SY	175	175	@	$ 1.00	=	$ 175.00
21.	STRAW MULCHING	SY	175	175	@	$ 0.50	=	$ 87.50
22.	NO ITEM	----	-	-	@	$ -	=	$ -
	ALTERNATE BID A							
13A	HOT MIX ASPHALT DRIVEWAY, 6" THICK	SY	20	20	@	$ 5.00	=	$ 100.00
14A	CONCRETE DRIVEWAY, 6" THICK	SY	35	31	@	$ 52.00	=	$ 1,612.00
16A	GRANITE CURB	LF	68	68	@	$ 16.00	=	$ 1,088.00

Total Cost of work completed	=	$38,527.50
PARTIAL PAYMENT #1	=	$30,636.76
FINAL PAYMENT	=	$7,890.74

RECOMMENDED BY:

Borough Engineer

10-27-11
Date

ARNOLD'S Roads, Inc.

RECEIVED
JUN - 7 2011
ENGINEERING/PUBLIC WORKS
BOROUGH OF NEW PROVIDENCE

Tel. (732) 651-0565
Fax (732) 561-2626

To: THE BOROUGH OF NEW PROVIDENCE.
Project Name: DIVISION AVENUE SIDEWALK IMPROVEMENTS

Invoice

	Item #	Item Description	Unit	Qty	Unit Price	TOTAL	
	1.	Clearing Site	LS	0	$2,500.00	$0.00	
	2.	Breakaway Barricade	UN	0	$10.00	$0.00	
	3.	Drum	UN	0	$10.00	$0.00	
	4.	Traffic Cone`	UN	0	$5.00	$0.00	
	5.	Construction Signs	SF	0	$1.00	$0.00`	
	6.	Traffic Director, Flagger	MH	0	$75.00	$0.00	
10	~~7.~~	Bicycle Safe Grate(Storm Water Compliant Grate)	UN	0	$250.00	$0.00	
11	~~8.~~	Curb Piece(NJDEP Type 'N' Eco Curb Piece)	UN	0	$250.00	$0.00	
12	~~9.~~	Concrete Sidewalk 4" Thick	SY	22 ✓	$54.00	$1,188.00	✓
15	~~10.~~	Detectable Warning Surfaces	UN	0	$150.00	$0.00	
16	~~11.~~	Granite Curb	LF	217 ✓	$16.00	$3,472.00	✓
17	~~12.~~	Traffic Striped, Long-Life Epoxy Resin 4"	LF	665 ✓	$2.00	$1,330.00	✓
19	~~13.~~	Topsoiling 4" Thick	SY	0	$1.00	$0.00	
20	~~14.~~	Fertilizing And Seeding, Type A-3	SY	0	$1.00	$0.00	
21	~~15.~~	Straw Mulching	SY	175 ✓	$0.50	$87.50	✓

16.	Hot Mix Asphalt Driveway, 6"Thick	SY	20	$5.00	$100.00
17.	Concrete Driveway 6" Thick	SY	31	$52.00	$1,612.00
18.	Granite Curb	LF	68	$16.00	$1,088.00

Total: **$7,265.50**
Retainage **$625.24**
Grand Total **$7,890.74**
Signature:

Arnold's Roads, Inc.

ATTACHMENT 3

COLONIAL SURETY COMPANY

- Inc. 1930 -

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

BOND NUMBER: **CSC-218802M**

MAINTENANCE BOND

KNOW ALL PERSONS BY THESE PRESENTS:

That **Arnold's Roads Inc., Monroe Township, 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

Five Thousand Eight Hundred Ten Dollars And Twenty Five Cents Dollars ($5,810.25),

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 **August 30th, 2010**

with the Obligee for

Division Avenue Sidewalk Improvements NJDOT Safe Street to Transit Program

WHEREAS, said contract provides that the Principal will furnish a bond conditioned to guarantee for the period of 2 years 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 **25th day of April, 2011.**

Boris [signature] (Witness)

Arnold's Roads Inc.

By [signature] (Seal)
(Principal)

COLONIAL SURETY COMPANY

By [signature] (Seal)
Attorney-in-Fact
Anthony J. Cimasko

Administrative Office: 50 Chestnut Ridge Road, Montvale, New Jersey 07645
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 Frederick S. Gallo

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 I. 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 canceling 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 2nd day of June, A.D., 2010.**

COLONIAL SURETY COMPANY

State of New Jersey
County of Bergen } **SS.:**

Colonial Surety Company — Incorporated — 1930 — Pennsylvania

By _____
Wayne Nunziata, President

On this 2nd day of June, in the year 2010, 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 — Notary Public — New Jersey

THERESA SIMMONS
A Notary Public of New Jersey
My Commission Expires September 9, 2015

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 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 25 day of April, 20 11.

Original printed with Blue and Black ink.
For verification of the authenticity of this Power of Attorney you may call (201) 573-8788 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, Secretary

Form S-100-101 (Rev 5/10)

State of New Jersey

County of Bergen

On this 25th day of April in the year 2011, before me, Rita Alfano, 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 him by said Company.

Rita Alfano
A Notary Public of New Jersey
My Commission Expires October 26, 2012

Rita Alfano

Notary Public

COLONIAL SURETY COMPANY
Duncannon, Pennsylvania
– Inc 1930 –

FINANCIAL STATEMENT—DECEMBER 31, 2009

ASSETS		LIABILITIES & SURPLUS	
*Stocks and Bonds	$ 32,223,342	Reserve for Unearned Premiums.	$ 5,827,729
Cash in Office & Banks	3,218,201	Claim Reserves	12,748,559
Accrued Interest & Dividends	337,657	Other Liabilities	1,073,980
Premiums & Agents Balances Receivable	(113,313)	Collateral Held	817,685
Other Assets	1,497,758	Capital Stock	3,000,000
		Surplus	13,695,692
Total Admitted Assets	37,163,645	Total Liabilities & Surplus	37,163,645

*Bonds and stocks are valued on basis approved by National Association of Insurance Commissioners.

STATE OF NEW JERSEY
COUNTY OF BERGEN **ss.:**

I, Wayne Nunziata, President of COLONIAL SURETY COMPANY, do hereby certify that the foregoing is a full, true and correct copy of the Financial Statement of said Company, as of December 31, 2009.

IN WITNESS WHEREOF, I have signed this statement at Montvale, New Jersey, this 15th day of February, 2010.

Colonial Surety Company
Incorporated
1930
Pennsylvania

Wayne Nunziata — President

Theresa Simmons — Notary Public

Theresa Simmons
A Notary Public of New Jersey
My Commission Expires September 9, 2015

ATTACHMENT 4

AFFIDAVIT

STATE OF NEW JERSEY :

SS

COUNTY OF Middlesex :

I, ARNOLD KLEYMAN being duly sworn, according to law, on his oath say that I am PRESIDENT, of the firm of **Arnold's Road, Inc.**, which entered into contract with the Borough of New Providence, County of Union, **June 10, 2010** and entitled

Division Avenue Sidewalk Improvements

Deponent further swears that he has paid in full at the prevailing rate, and in accordance with the specifications and contract obligations on claims for all labor supplied in the performance of the contract and that he has paid or provided for the payment of all claims for materials and equipment used in the performance of the contract work and has paid all applicable taxes, including among others, Social Security Insurance, sales and use taxes, applicable thereto, and owes no one for any labor or materials in connection with the performance of said work or any of the said taxes nor have any claims been made against the said contractor for any unpaid material or labor.

This Affidavit is made for the purpose of inducing the Borough of New Providence, Union County, State of New Jersey, to make final payment relying upon the truth of the statement contained herein.

ARNOLD'S ROADS, INC
Name of Firm

Signature

ARNOLD KLEYMAN
Typed or Printed Name

Sworn and Subscribed to before me this 5th day of October, 2011

NANCY M. PASQUALE
A Notary Public of New Jersey
My Commission Expires September 21, 2016

ATTACHMENT 5

RELEASE

KNOW ALL MEN BY THESE PRESENTS: THAT

Arnold's Road Inc., hereinafter known as the Releasor, for and in consideration of the sum of **$38,527.50** dollars lawful money of the United States of America, to the Releasor in hand paid by the Borough of New Providence in the County of Union, a Municipal Corporation hereinafter designated as the Releasee, the receipt whereof is acknowledged, has remised, released, and forever discharged, and by these Presents does remise, release, and forever discharge the said Releasee of and from all debts, obligations, reckonings, promises, covenants, agreements, contracts, endorsements, bonds, specialties, controversies, suits, actions, causes of actions, trespasses, variances, judgements, extents, executions, damages, claims or demands, in law or in equity, which against the said Releasee, the Releasor ever had, now has or hereinafter can, shall, or may have, for upon or by reason of any matter, cause or think, whatsoever, from the beginning of the world to the day of date of these Presents.

More particularly, this release if given and accepted with specific reference to all matters of whatsoever kind and character in any undertaking whatsoever relating to or arising out of the work of construction under a contract dated **June 10, 2010** between the Borough of New Providence, in the County of Union, as party of the first part, and **Arnold's Road Inc.**, as contractor pursuant to plans and specifications for **Division Avenue Sidewalk Improvements.**

This acknowledges the following statement between the parties,

Total Construction Cost	**$ 38,527.50**
Partial Payment #1	**$ 30,636.76**
Retainage	**$ 7,890.74**

Wherever in this instrument any Party shall be designated or referred to by name of general reference, such designation is intended to and shall have the same effect as if the words "heirs, executors, administrators, personal or legal representatives, successors and assigns" had been inserted after each any every designation, and all the terms, covenants and conditions herein contained shall be for and shall inure to the benefit of and shall bind the respective parties hereto, and their heirs, executors, and administrators, personal and legal representatives, successors and assigns respectfully.

In all references herein to any parties, persons, entities or corporations, the use of any particular gender or the plural of singular number is intended to include the appropriate gender or number as the text of the within instrument may require.

IN WITNESS WHEREOF, the said Releasor has hereunto set his hand and caused these presents to be signed by its proper officer this 25 day of October, 2011.

ARNOLD KLEYMAN

attest:

BOROUGH OF NEW PROVIDENCE PURCHASE ORDER

42398

360 ELKWOOD AVE

Engr-1138

ARNOLR

NEW PROVIDENCE, NJ 07974-1838

DATE	10/17/2011
PAGE NO.	1
CHECK NO.	
TAX EXEMPT NO. 22-6002132	

www.newprov.org

SIGN & RETURN TO ADDRESS ABOVE

VENDOR	SHIP TO
ARNOLD'S ROADS, INC. 8 DANTE RD MONROE TWP., NJ 08831-4001	ENGINEERING DEPT MUNICIPAL CENTER 360 ELKWOOD AVE NEW PROVIDENCE, NJ 07974

SPECIAL INSTRUCTIONS

BRC: 1086657

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
1	Fina Payment for Division Avenue Sidewalk Improvements per Res. 2011-___ 20-9--G378-2-	1	7,890.74	7,890.74
		TOTAL →		7,890.74

BOROUGH OF NEW PROVIDENCE

VOUCHER

SIGN AND RETURN TO DEPARTMENT TAKING DELIVERY

NO ORDER VALID UNLESS SIGNED BELOW

CERTIFICATION OF AVAILABLE FUNDS

PURCHASING AGENT

FINANCE DEPARTMENT

DEPARTMENT HEAD CERTIFICATION

I certify that the materials and supplies have been received or the services rendered.

AUTHORIZED SIGNATURE

DATE

APPROVAL FOR PAYMENT

COUNCIL MEMBER

DATE

ADMINISTRATOR

DATE

VENDOR CERTIFICATION AND DECLARATION

I do solemnly declare and certify under the penalties of the law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.

X

VENDOR SIGN HERE

TITLE

DATE

VENDOR SOCIAL SECURITY NO. OR TAX I.D. NO.

VOUCHER - SIGN AT (X) AND RETURN FOR PAYMENT *(SEE CONDITIONS ON REVERSE SIDE)*