

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2011-305

Council Meeting Date: 11-28-2011

Date Adopted: 11-28-2011

TITLE: RESOLUTION APPROVING CHANGE ORDERS #1 AND #2 FOR TOP LINE CONSTRUCTION CORPORATION FOR THE PROJECT COMMONLY KNOWN AS "CENTRAL AVENUE (SECTION 6) ROADWAY IMPROVEMENTS"

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

WHEREAS, Top Line Construction Corporation's, original contract amount was \$243,068.15 for the project commonly known as "Central Avenue (Section 6) Roadway Improvement"; and

WHEREAS, Change Order #1 in the amount of \$350.00 is being requested to include the installation of new manhole castings; and

WHEREAS, Change Order #2 in the deduct amount of \$7,721.37 as penalty for the surface course not meeting DOT requirements based on asphalt testing performed by Key Tech; and

WHEREAS, based upon the review of Change Orders # 1 and #2, the Borough Engineer agrees with the requests for the contract changes and is recommending the approval of Change Orders #1 and #2.

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 in the amount of \$350.00 and Change Order #2 in the deduct amount of \$7,721.37 for Top Line Construction Corporation, be approved for the project commonly known as "Central Avenue (Section 6) Roadway Improvement".

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

APPROVED, this 28th 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 28th day of November, 2011

Wendi B. Barry, Borough Clerk

MEMORANDUM

To: Doug Marvin, Borough Administrator

From: Mark Demareski, Assistant Borough Engineer

CC: Wendi Barry, Borough Clerk (w/attachments) *mo*
Andrew Hipolit, P.E., Borough Engineer

Dated: November 21, 2011

**RE: Resolution for Change Order #1, #2 and Partial Payment #3
Central Avenue (Section 6) Roadway Improvements**

With reference to the above captioned project, I hereby transmit Project Change Order #1 in the amount of \$350.00, Project Change Order #2 in the deduct amount of (-) \$7,721.37 and Partial Payment #3 in the amount of \$17,960.64 for approval through Resolution

To date, Top Line Construction has completed the entire project and the additional work required in the field was approved by our Site Inspector, Marc Post and Jim Johnston.

The additional work was for the installation of new manhole castings. The total cost of Project Change Order #1 for new manhole castings to the contract is \$350.00

Based on the asphalt testing performed by Key Tech, Top Line Construction's asphalt surface course failed to meet NJDOT requirements (Attachment 1). Due to this, NJDOT has advised the Engineering Department that Top Line Construction shall receive a 10% penalty. The Hot Mix Asphalt Surface Course Item #12 installed was in the amount of \$77,213.73, thus the 10% penalty will be in the amount of (-) \$7,721.37 (Attachment 2). The total cost of Project Change Order #2 for asphalt testing to the contract is (-) \$7,721.37.

The Engineering Department has reviewed and approve of Top Line Construction Partial Payment #3 in the amount of \$17,960.64 (Attachment 3). The retainage in the amount of \$5,157.98 is currently being held pending receipt of the final closeout documents:

1. Maintenance Bond valid for a period of 1 year from the date of acceptance
2. Affidavit
3. Release

Based on review of the work completed, I hereby recommend that the Mayor and Council approve Project Change Order #2 in the deduct amount of (-) \$7,721.37 and approve Partial Payment #3 to Top Line Construction, Inc. in the amount of \$17,960.64.

Attached are copies for your reference.

File: Central Avenue (Section 6) Roadway Improvements
Capital Account # 20-10--G37001-2-

360 Elkwood Avenue ♦ New Providence ♦ NJ ♦ 07974

908-665-1129 ♦ 908-665-8361 (Fax)

www.newprov.org

ATTACHMENT 1

New Jersey Department of Transportation
Local Aid Projects
Superpave Hot Mix Asphalt Testing Summary Report - State Aid

Project	CENTRAL AVENUE (SECTION 6) ROAD IMPROVEMENTS
Municipality	BOROUGH OF NEW PROVIDENCE
County	UNION COUNTY
Supplier (Name & Plant)	WELDON ASPHALT, WATCHUNG, NJ
Contractor	TOP LINE CONSTRUCTION CORP.

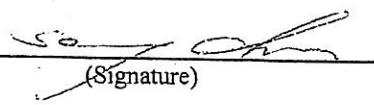
Mix # 9.5M64 Serial # C34BC0176 Average Weight 108.0 lb/sy/in Lot size 10,490 sy
 Date Composition Samples Taken 01/04/11 (at Plant _____) Core x
 Date Air Void and Thickness Samples Taken 01/04/11

Plant Analysis of Hot Mix Asphalt Lot #					Average of 5 Samples	Mix Design Target Value	Mix Design Tolerance Range	
Sample #							Minimum	Maximum
Sieve Size								
No. 8								
No. 200								
A.C.								

Core Location:							COMPARISON OF 5 SAMPLES			
Core #	1	3	5	7	9	Average of 5 Cores	Sieve Size	Average of 5 Plant Samples	Average of 5 Pavement Cores	Tolerance percentage (±)
Station	1+06	9+50	17+94	6+58	14+96			No. 8		
Offset	7'R	12'R	11'R	7'L	10'L		No. 200			
Sieve Size							A.C.			
No. 8										
No. 200										
A.C.										
% Voids	10.9	10.0	8.6	11.4	9.3	10.0				
Thickness	1.88	2.75	2.75	1.94	1.88	2.24				

Penalty Calculations (attach additional sheets if necessary):

Analysis-Composition	Complied (Y/N)	Penalty (%)	N/A
Air Voids	N	10%	X
Thickness	Y	0	

Name and Address of Testing Laboratory Key-Tech Testing, 210 Maple PL, Keyport, NJ 07735
 Date of AASHTO Accreditation 12/01/90 Date of AASHTO Inspection 07/15/08
 Asphalt Technologist  (Signature) Approved by _____ (Signature-County/Municipal Engineer)

(After approval submit to the Local Aid Project District Office) 29

ATTACHMENT 2

**PROJECT CHANGE ORDER #2
DEDUCT PAVING SUMMARY- 2010**

DATE	STREET LOCATION	TONS	UNIT PRICE	TOTAL COST	PENALTY	DEDUCT
11/2/2011	Central Avenue (Section 2)	1314.5	\$58.74	\$77,213.73	-10%	(\$7,721.37)

ITEM #12 \$77,213.73 S2 (\$7,721.37)

ATTACHMENT 3

PARTIAL PAYMENT #3

Central Avenue (Section 6) Road Improvements

Contractor: Top Line Construction Corporation
 22 Fifth Street
 Somerville, NJ 08876

Original Base Bid = \$243,068.15

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

ITEM NO.	DESCRIPTION	UNITS	BID	ACTUAL	UNIT PRICE	TOTAL
1.	CLEARING SITE	LS	1	1	@ \$ 13,000.00	\$ 13,000.00
2.	BREAKAWAY BARRICADES	UN	5	5	@ \$ 5.00	\$ 25.00
3.	DRUMS	UN	20	20	@ \$ 5.00	\$ 100.00
4.	TRAFFIC CONES	UN	30	30	@ \$ 5.00	\$ 150.00
5.	CONSTRUCTION SIGNS	SF	200	-	@ \$ 0.01	\$ -
6.	NO ITEM	----	----	----	@ \$ -	\$ -
7.	FUEL PRICE ADJUSTMENT	LS	1	47%	@ \$ 400.00	\$ 188.73
8.	ASPHALT PRICE ADJUSTMENT	LS	1	118%	@ \$ 1,600.00	\$ 1,884.76
9.	EXCAVATION, UNCLASSIFIED	CY	250	160.00	@ \$ 28.00	\$ 4,480.00
10.	DENSE-GRADED AGGREGATE BASE COURSE, 6" THICK	SY	750	-	@ \$ 1.00	\$ -
11.	HMA MILLING, 3" OR LESS (2" AVERAGE DEPTH)	SY	10,490	9,000	@ \$ 2.10	\$ 18,900.00
12.	HOT MIX ASPHALT 9.5M64 SURFACE COURSE	TONS	1,310	1,314.5	@ \$ 58.74	\$ 77,213.73
13.	HOT MIX ASPHALT 19M64 BASE COURSE	TONS	200	98.02	@ \$ 67.32	\$ 6,598.71
14.	NO ITEM	----	----	----	@ \$ -	\$ -
15.	15" REINFORCED CONCRETE PIPE	LF	360	360	@ \$ 68.65	\$ 24,714.00
16.	NO ITEM	----	----	----	@ \$ -	\$ -
17.	INLET, TYPE B	UN	4	4	@ \$ 2,115.00	\$ 8,460.00
18.	NO ITEM	----	----	----	@ \$ -	\$ -
19.	BICYCLE SAFE GRATE (PHASE II STORM WATER COMPLIANT GRATE)	UN	10	10	@ \$ 215.00	\$ 2,150.00
20.	CURB PIECES (NJDEP TYPE 'N' ECO CURB PIECE)	UN	10	10	@ \$ 300.00	\$ 3,000.00
21.	CONCRETE SIDEWALK, 4" THICK	SY	170	586	@ \$ 57.60	\$ 33,753.60
22.	HOT MIX ASPHALT DRIVEWAY, 6" THICK	SY	205	282	@ \$ 26.25	\$ 7,402.50
23.	CONCRETE DRIVEWAY, 4" THICK	SY	120	113	@ \$ 62.20	\$ 7,028.60
24.	DETECTABLE WARNING SURFACES	UN	9	9	@ \$ 145.00	\$ 1,305.00
25.	NO ITEM	----	----	----	@ \$ -	\$ -
26.	GRANITE CURB	LF	1,110	1,298	@ \$ 31.00	\$ 40,238.00
27.	TRAFFIC STRIPES, THERMOPLASTIC, 4"	LF	2,850	3,329	@ \$ 1.20	\$ 3,994.80
28.	NO ITEM	----	----	----	@ \$ -	\$ -
29.	TREE REMOVAL, OVER 6" DIAMETER	UN	1	-	@ \$ 890.00	\$ -
30.	TOPSOILING, 4" THICK	SY	75	581	@ \$ 11.50	\$ 6,681.50
31.	FERTILIZING AND SEEDING, TYPE A-3	SY	75	-	@ \$ 1.00	\$ -
32.	STRAW MULCHING	SY	75	-	@ \$ 1.00	\$ -
33.	POLICE TRAFFIC DIRECTORS	MH	80	57	@ \$ 70.00	\$ 4,001.23
S1	INSTALL NEW MANHOLE CASTING	UN	1	1	@ \$ 350.00	\$ 350.00
S2	PENALTY FOR AIR VOIDS PER KEY TECH	LS	-	1	@ \$ (7,721.37)	\$ (7,721.37)

Total Cost of work completed = \$257,898.79

Less 2% Retainage = \$5,157.98

PARTIAL PAYMENT #1 = \$36,714.72

PARTIAL PAYMENT #2 = \$198,065.45

PARTIAL PAYMENT #3 = \$17,960.64

RECOMMENDED BY:

Mark Demaree
 For
ANDREW R. HAZOULI, P.E.
 Borough Engineer

11/21/11
 Date

TOP LINE CONSTRUCTION CORP.
 22 FIFTH STREET
 SOMERVILLE, NJ 08876
 PAYMENT REQUEST #3 (PARTIAL)
 10/7/2011

TOWNSHIP OF NEW PROVIDENCE IMPROVEMENTS TO CENTRAL AVENUE

ITEM #	DESCRIPTION	QTY	UN	Unit Price	Total	PREVIOUS TO DATE QTY	AMT	CURRENT (3) QUANTITY	AMOUNT	TO DATE TOTAL QUANTITY	TOTAL AMOUNT	OVER/UNDER AMOUNT
1	Cleaning Site	LS		\$13,000.00	\$13,000.00	1.00	\$13,000.00	0.00	\$0.00	1.00	\$13,000.00	\$0.00
2	Breakaway Barricade	UNITS		\$25.00	\$25.00	5.00	\$25.00	0.00	\$0.00	5.00	\$25.00	\$0.00
3	Drum	UNITS	20	\$5.00	\$100.00	20.00	\$100.00	0.00	\$0.00	20.00	\$100.00	\$0.00
4	Traffic Cone	UNITS	30	\$5.00	\$150.00	30.00	\$150.00	0.00	\$0.00	30.00	\$150.00	\$0.00
5	Construction Signs	SF	200	\$0.01	\$2.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	(\$2.00)
6	NO ITEM											
7	Fuel Price Adjustment (FIXED) \$400	LS		\$400.00	\$400.00	1.00	\$188.73	0.00	\$0.00	1.00	\$188.73	(\$211.27)
8	Asphalt Price Adjustment (FIXED) \$1	LS		\$1,600.00	\$1,600.00	1.00	\$1,884.76	0.00	\$0.00	1.00	\$1,884.76	\$284.76
9	Excavation, Unclass.	CY	250	\$28.00	\$7,000.00	160.00	\$4,480.00	0.00	\$0.00	160.00	\$4,480.00	(\$2,520.00)
10	DGA Base Course, 6" Thick	SY	750	\$1.00	\$750.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	(\$750.00)
11	HMA Milling, 3" or Less (2" Avg. Dept	SY	10490	\$2.10	\$22,029.00	9000.00	\$18,900.00	0.00	\$0.00	9000.00	\$18,900.00	(\$3,129.00)
12	Hot Mix Asphalt 9.5M64 Surf. Course.	TONS	1310	\$58.74	\$76,949.40	1314.50	\$77,213.73	0.00	\$0.00	1314.50	\$77,213.73	\$264.33
13	Hot Mix Asphalt 19M64 Base Course (TONS	200	\$67.52	\$13,464.00	98.02	\$6,598.71	0.00	\$0.00	98.02	\$6,598.71	(\$6,865.29)
14	NO ITEM											
15	15" Reinforced Conc. Pipe	LF	360	\$68.65	\$24,714.00	360.00	\$24,714.00	0.00	\$0.00	360.00	\$24,714.00	\$0.00
16	NO ITEM											
17	Inlet Type B	UNITS	4	\$2,115.00	\$8,460.00	4.00	\$8,460.00	0.00	\$0.00	4.00	\$8,460.00	\$0.00
18	NO ITEM											
19	Bicycle Safe Grate (PHASE II Storm	WUNITS	10	\$215.00	\$2,150.00	10.00	\$2,150.00	0.00	\$0.00	10.00	\$2,150.00	\$0.00
20	Curb Piece (NIDEP TYPE 'N' EGO C	UNITS	10	\$300.00	\$3,000.00	10.00	\$3,000.00	0.00	\$0.00	10.00	\$3,000.00	\$0.00
21	Conc. Sidewalk, 4" Thick	SY	170	\$57.60	\$9,792.00	188.00	\$10,838.80	170.00	\$9,792.00	586.00	\$33,753.60	\$23,961.60
22	Hot Mix Asphalt Driveway, 6" Thick	SY	205	\$266.25	\$53,812.50	163.00	\$42,787.75	119.00	\$3,123.75	282.00	\$7,402.50	\$7,021.25
23	Conc. Driveway, 6" Thick	SY	120	\$62.20	\$7,464.00	113.00	\$7,028.60	0.00	\$0.00	113.00	\$7,028.60	(\$435.40)
24	Detectable Warning Surfaces	UNITS	9	\$145.00	\$1,305.00	9.00	\$1,305.00	0.00	\$0.00	9.00	\$1,305.00	\$0.00
25	NO ITEM											
26	Granite Curb	LF	1110	\$31.00	\$34,410.00	1298.00	\$40,238.00	0.00	\$0.00	1298.00	\$40,238.00	\$5,828.00
27	Traffic Stripes, Thermoplastic, 4"	LF	2850	\$1.20	\$3,420.00	3329.00	\$3,994.80	0.00	\$0.00	3329.00	\$3,994.80	\$374.80
28	NO ITEM											
29	Tree Removal over 6" Diameter	UNIT	1	\$890.00	\$890.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	(\$890.00)
30	Topsoiling, 4" Thick	SY	75	\$11.50	\$862.50	581.00	\$6,681.50	0.00	\$0.00	581.00	\$6,681.50	\$5,819.00
31	Fertilizing and Seeding, Type A-3	SY	75	\$1.00	\$75.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	(\$75.00)
32	Straw Mulchline	SY	75	\$1.00	\$75.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	(\$75.00)
33	Police Traffic Directors	MHRS	80	\$70.00	\$5,600.00	1.00	\$4,001.23	0.00	\$0.00	1.00	\$4,001.23	(\$1,598.77)
S1	Install New Manhole Casting	UN	1	\$300.00	\$300.00	1.00	\$350.00	0.00	\$0.00	1.00	\$350.00	\$50.00
S2	Penalty for Air Voids Per Key Tech	ls		-\$7,721.37	\$0.00	0.00	\$0.00	0.00	-\$7,721.37	1.00	-\$7,721.37	\$0.00
TOTALS					\$243,068.15	\$239,571.61		\$26,048.55		\$257,898.79	\$22,552.01	
LESS 2 % RET.					\$5157.98							
LESS PREV PMTS					\$234,780.17							
PMT #3 AMT					\$17,960.64							

mpo 11/21/11