

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2012- 118

Council Meeting Date: 04-09-2012

Date Adopted: 04-09-2012

TITLE: RESOLUTION APPROVING CHANGE ORDER #1 FOR NORTHEAST ROOF MAINTENANCE INC. IN THE DEDUCTION AMOUNT OF \$4,800.00, FOR THE PROJECT COMMONLY KNOWN AS "SENIOR CITIZEN CENTER ROOF REPLACEMENT"

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

WHEREAS, Northeast Roof Maintenance Inc's, original contract amount was \$38,500.00 for the project commonly known as "Senior Citizen Center Roof Replacement"; and

WHEREAS, Change Order #1 in the deduction amount of \$4,800.00 is requested due to accrual replacement decking required was less than original estimate; and

WHEREAS, based upon the review of Change Order #1, the Borough Engineer agrees with the request and is recommending Change Order #1; and

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 Northeast Roof Maintenance Inc, in the deduct amount of \$4,800.00 be approved for the project commonly known as "Senior Citizen Center Roof Replacement".

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

APPROVED, this 9th day of April, 2012.

RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
CUCCO	X			
GALLUCCIO	X			
GENNARO	X			
LESNEWICH	X			
MUÑOZ	X			
ROBINSON	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 April, 2012.

Wendi B. Barry, Borough Clerk

MEMORANDUM

To: Doug Marvin, Borough Administrator

From: Mark Demareski, Assistant Borough Engineer *gm*

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

Dated: March 28, 2012

**RE: Resolution for Project Change Order (#1 and Final) and Final Payment
Senior Citizen Center Roof Replacement
Grant Year 37 Senior Citizen Center Facility Improvement**

With reference to the above captioned project, I hereby transmit Project Change Order (No. 1 and Final) in the deduct amount of (-) \$4,800 and Final Payment in the amount of \$1,685 for approval through Resolution by the Mayor and Council.

Northeast Roof Maintenance has completed the roof replacement work at the Senior Citizen Center and final closeout documents have been reviewed by the Engineering Department.

Final closeout documents for Northeast Roof Maintenance are as follows:

1. Certificate of Approval
2. Project Change Order (No. 1 and Final)
3. Invoice for Final Payment
4. Contractor's Affidavit of Payment of Debts and Claims
5. Contractor's Consent of Surety Company to Final Payment
6. Maintenance Bond valid for a period of 2 year from the date of acceptance
7. Affidavit
8. Release

Based on review of the work completed, I hereby recommend that the Mayor and Council approve Project Change Order (No.1 and Final) in the deduct amount of (-) \$4,800 and approve Final Payment in the amount of \$1,685 to Northeast Roof Maintenance.

Attached are copies for your reference.

File: Grant Account 20-11--G35004-2- Senior Citizen Center Facility Improvement.
CBDG 37 / Senior Citizen Center Roof Replacement

ATTACHMENT 1



New Providence
 New Providence Building Department
 360 Elwood Avenue
 New Providence, NJ 07974

Date Issued 1/9/2012
 Control Number C-11-01126
 Permit Number 11-24340
 Permit Issue Date 12/15/2011
 Certificate Number 11-24340

Certificate

Construction Code Division
 (Certificate of Approval)

Identification

Work Site Location: 15 FOURTH STREET New Providence, NJ 07974 Block: 142 Lot: 13 Qual: _____
 Owner in Fee: BOROUGH OF NEW PROVIDENCE
 Owner Address: 360 ELKWOOD AVE NEW PROVIDENCE NJ 07974
 Telephone: (908) 665-1098
 Contractor Northeast Roof Maint.
 Address 649 Catherine Street Perth Amboy NJ 08861
 Telephone: (732) 442-2020 Fax: (732) 442-8099
 License Number or Builders Registration Number: _____ Federal Emp. Number: 223328764

Home Warranty Number: _____

Type of Warranty Plan: State Private

Use Group: A-3 Construction Classification: Type V B

Maximum Live Load: 0 Maximum Occupancy Load: 0

Description of Work/Use: New Roof

Certificate Comments:

Certificate of Occupancy

This serves notice that said building or structure has been constructed in accordance with the New Jersey Uniform Construction Code and is approved for occupancy.

Certificate of Approval

This serves notice that the work completed has been constructed or installed in accordance with the New Jersey Uniform Construction Code and is approved. If the permit was issued for minor work, this certificate was based upon what was visible at the time of inspection.

Certificate of Continued Occupancy

This serves notice that based on a general inspection of the visible parts of the building there are no imminent hazards and the building is approved for continued occupancy.

Temporary Certificate of Compliance

The following conditions must be met no later than or the owner will be subject to fine or order to vacate:

This certificate has an expiration date of:

Conditions to be met:

Certificate of Clearance - Lead Abatement 5:17

This serves notice that based on written certification, lead abatement was performed as per NJACS:17 to the following extent.

- Total removal of lead-based paint hazards in scope of work
- Partial or limited time period (years); see file

Certificate of Clearance - Asbestos Abatement

This serves notice that based on written certification, asbestos abatement was performed to the following extent.

- Total removal of asbestos hazards in scope of work
- Partial or limited time period (years); see file

Certificate of Compliance

This serves notice that said potentially hazardous equipment has been installed and/or maintained in accordance with the New Jersey Uniform Construction Code and is approved for use until

Temporary Certificate of Occupancy

The following conditions must be met no later than: or the owner will be subject to fine or order to vacate:

This certificate has an expiration date of:

Conditions to be met:



 Construction Official

Fee: \$0.00

Check Number: _____

Collected By: _____

ATTACHMENT 2

Project Change Order
Borough of New Providence

No. 1 and Final

Project: Senior Center
 Roof Replacement Project

Contractor: Northeast Roof Maintenance
 649 Catherine Street
 Perth Amboy, NJ 08861

The following changes are authorized to this contract:

A Itemized Changes

Item	Purpose	Amount
	REDUCTION	[Add; (deduct)]
2	Allowance for Decking	\$ (4,800.00)

EXTRA

Supplementals:

a.

B	Net change to contract:	\$ (4,800.00)
C	Original contract sum:	\$ 38,500.00
D	20% of original contract sum =	\$ 7,700.00
E	Total of all previous change orders:	
F	Total of all C.O.s (NOT TO EXCEED LINE D)	\$ (4,800.00)
G	New contract total:	\$ 33,700.00

Recommended by:

Signed: [Signature]
 Borough Engineer

Date: 2-22-12

Accepted by contractor's agent:

Signed: [Signature]

Firm: Northeast Roof Maintenance

Date: 2/6/12

Authorized by:

Signed: _____
 Borough Administrator

Date: _____

Approved by Council Resolution:

Certified : _____
 Borough Clerk

Date: _____

ATTACHMENT 3

APPLICATION AND CERTIFICATE FOR PAYMENT AIA DOCUMENT G702 (Instructions on reverse side) PAGE 1 OF 1

TO OWNER:
 Borough of New Providence
 360 Elkwood Avenue
 New Providence, NJ 07974

PROJECT:
 Senior Citizen Center Roof Replacement

APPLICATION NO.: 1
PERIOD TO: 1/11/2012
PROJECT NOS.:
CONTRACT DATE:

Distribution to:
 OWNER
 ARCHITECT
 CONTRACTOR

FROM CONTRACTOR:
 Northeast Roof Maintenance
 649 Catreline Street
 Perth Amboy NJ 08861

VIA Engineer:
 Mark Demareski
 360 Elkwood Avenue
 New Providence, NJ 07974

CONTRACTOR'S APPLICATION FOR PAYMENT

The undersigned certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

1. ORIGINAL CONTRACT SUM. \$38,500
2. Net Change by Change Orders \$0
3. CONTRACT SUM TO DATE (Line 1 + 2) \$38,500
4. TOTAL COMPLETED & STORED TO DATE \$33,700

5. RETAINAGE:

a. 5 % of Completed Work (Columns D + E on G703) \$1,685

b. 0 % of Stored Material (Columns F on G703)

Total Retainage (Line 5a + 5b or Total in Column 1 of G703) \$1,685

6. TOTAL EARNED LESS RETAINAGE \$32,015

(Line 4 less Line 5 Total)

7. LESS PREVIOUS CERTIFICATES FOR PAYMENT \$0

(Line 6 from prior Certificate)

8. CURRENT PAYMENT DUE \$32,015

9. BALANCE TO FINISH, INCLUDING RETAINAGE \$6,485

(Line 3 less Line 6)

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	0.00	0.00
Total approved this Month	0.00	0.00
TOTALS	0.00	0.00
NET CHANGES by Change Order	0.00	0.00

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT: _____ Date: _____

By: _____ Date: _____

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CONTRACTOR: _____

By: Dennis Marie Quiles Date: 12/11/2012

State of: New Jersey

County of: Union

Subscribed and sworn to before me this 11th day of December, 2012.

Notary Public: Dennis Marie Quiles

My commission expires: 12/08/2015

Dennis Marie Quiles
 NOTARY PUBLIC
 State of New Jersey
 My Commission Expires 12/08/2015

AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT containing Contractor's signed Certification is attached. In tabulations below, amounts are stated to the nearest dollar. Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NUMBER
APPLICATION DATE
PERIOD TO
ARCHITECT'S PROJECT NO:

1

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E COMPLETED THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D O R E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C-G)	I RETAINAGE 5%
			FROM PREVIOUS APPLICATION (D+E)	THIS PERIOD					
	Borough of New Providence								
	Senior Center Roof Replacement								
	General Requirements								
	Insurance and Bonds	1,500			1,500		1,500	0	75
	Submittals	1,000			1,000		1,000	0	50
	Temporary Facilities - Porto John, Tarps, Protection	1,000			1,000		1,000	0	50
	Supervision	2,200			2,200		2,200	0	110
	Shingle Roof Replacement								
	Material	13,000			13,000		13,000	0	650
	Removal	2,250			2,250		2,250	0	113
	Install Underlayment	1,250			1,250		1,250	0	63
	Install Shingles and Capping	7,800			7,800		7,800	0	390
	Install Flashings	500			500		500	0	25
	Allowance for Decking	8,000			3,200		3,200	4,800	160
	Subtotal This Page	38,500	0	33,700	33,700	0	33,700	4,800	1,685

Final Payment

All final closeout documents for grant reimbursement

MD 3/28/12



ATTACHMENT 4

Contractors Affidavit of Payment of Debts and Claims

Contract For: Borough of New Providence

Project: Senior Citizen Center
Roof Replacement

Contract Date: 11/16/2011
Bond Number: 27765B110APGQ

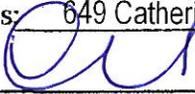
State of: New Jersey
County of: Hudson

The undersigned, pursuant to the Contract for Construction, hereby certifies that, except as listed below, he has paid in full or has otherwise satisfied all obligations for all materials and equipment furnished, for all work, labor, and services performed, and for all known indebtedness and claims against the Contractor for damages arising in any manner in connection with the performance of the Contract referenced above which the owner or his property might in any way be held responsible.

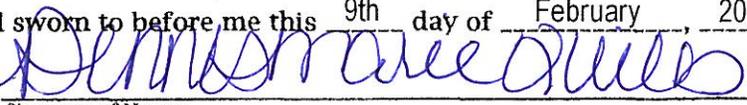
EXCEPTIONS (If none, write "NONE". If required by the Owner, the Contractor shall furnish bond satisfactory to the Owner for each exception.) Attach copies of Lien Releases.

Contractor: Northeast Roof Maintenance, Inc.

Address: 649 Catherine Street, Perth Amboy, NJ 08861

By: , President
Signature of President Andrew Hooley

Subscribed and sworn to before me this 9th day of February, 2012.

Notary Public: 
Signature of Notary

My Commission Expires: // 12/08/2015

Dennis Marie Quiles
NOTARY PUBLIC
State of New Jersey
My Commission Expires 12/08/2015

ATTACHMENT 5

**CONSENT OF
SURETY COMPANY
TO FINAL PAYMENT**
AIA DOCUMENT G707

OWNER
ARCHITECT
CONTRACTOR
SURETY
OTHER

PROJECT: Senior Citizen Center Roof Replacement

TO (OWNER)
Borough Of New Providence
360 Elkwood Avenue
New Providence, NJ 07974

ARCHITECT'S PROJECT NO:
CONTRACT FOR: Senior Citizen Center Roof Replacement
CONTRACT DATE: 12/15/2011

CONTRACTOR: NORTHEAST ROOF MAINTENANCE, INC.

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the
(here insert name and address of Surety Company)

Torus National Insurance Company
Harborside Financial Center , Plaza 5, Suite 2900
Jersey City, NJ 07311

, SURETY COMPANY,

on bond of (here insert name and address of Contractor)

NORTHEAST ROOF MAINTENANCE, INC.
649 Catherine Street
Perth Amboy, NJ 08861

, CONTRACTOR,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve
the Surety Company of any of its obligations to (here insert name and address of Owner)

Borough Of New Providence
360 Elkwood Avenue
New Providence, NJ 07974

, OWNER,

as set forth in the said Surety Company's bond number : 27765B110BPGQ

IN WITNESS WHEREOF,
the Surety Company has hereunto set its hand on: February 13, 2012

Torus National Insurance Company
Surety Company


Signature of Authorized Representative
Philip S. Tobey , Attorney-In-Fact

(Seal)

NOTE: This form is to be used as a companion document to AIA DOCUMENT G706 CONTRACTOR'S AFFIDAVIT OF PAYMENT OF DEBTS AND
CLAIMS, Current Edition.

TORUS NATIONAL INSURANCE COMPANY
Harborside Financial Center
Plaza 5, Suite 2900
Jersey City, New Jersey 07311

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that Torus National Insurance Company (hereinafter, "Company"), a corporation duly organized under the laws of the State of Delaware, and having a principal office in Harborside Financial Center, Plaza 5, Suite 2900, Jersey City, New Jersey 07311, does hereby appoint:

Philip S. Tobcy, Lionel D. Jorge, Jeffrey R. Bauman and Megan Bauer

its true and lawful Attorney(s)-in-Fact, with full power and authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof (hereinafter, collectively "instrument"), issued in the course of its business and to bind the Company thereby, subject to the limitation that any such instrument shall not exceed the amount of:

Three Million Dollars (\$3,000,000.00).

This Power of Attorney shall expire without further action on July 31, 2012.

This Power of Attorney is granted and is signed and sealed by the authority of the following Resolution adopted by the Board of Directors of Torus National Insurance Company at a meeting duly called and held on the 3rd day of June, 2011.

**RESOLVED that the President and Secretary of the Company shall have the power and authority:*

1. *To appoint Attorney(s)-in-Fact and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, contracts of indemnity and other writing obligatory in the nature thereof and,*
2. *To remove, at any time, any such Attorney(s)-in-Fact and revoke any authority given.*

**RESOLVED FURTHER that the signatures of such officers and the Seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached as though manually affixed.*

IN WITNESS WHEREOF, Torus National Insurance Company has caused its seal to be affixed hereto and executed by its President on the 5th day of Aug 2011.

Torus National Insurance Company

By Naveen Anand
Naveen Anand, President

By Jose Gonzalez
Jose Gonzalez, Secretary

State of New Jersey)
County of Hudson

On this 5th day of Aug 2011, before me, the subscriber, a Notary Public in and for the County of Hudson in the State of New Jersey, duly appointed and qualified, personally appeared the before-named Naveen Anand, President, and Jose Gonzalez, Secretary of Torus National Insurance Company (who are personally known to me), and severally acknowledge the execution of the foregoing instrument by them subscribed, and severally made oath that they are respectively the afore-described officers of Torus National Insurance Company; that the seal affixed to said instrument is its true and proper corporate seal; and that they subscribed said instrument, and said corporate seal was affixed, by virtue of authority duly conferred by said corporation.

Witness my hand and official seal, at Jersey City in the State and County aforesaid, the day and year above written.

Evette T. Gonzalez
My commission expires 12/15 2015

EVETTE T. GONZALEZ
NOTARY PUBLIC OF NEW JERSEY
I.D. # 2403151
My Commission Expires 12/15/2015

Bond No. 27765B110BPGG

ATTACHMENT 6

MAINTENANCE BOND
Bond Number 27765B110BPGQ

The undersigned declare that we, **NORTHEAST ROOF MAINTENANCE, INC.**, as Principal and **Torus National Insurance Company**, as Surety are held and firmly bound unto **Borough Of New Providence**, as Owner, in the sum of **FIVE THOUSAND FIFTY FIVE AND 00/100--Dollars (\$5,055.00)** to be paid to the said obligee only, to which payment well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors.

The condition of this obligation is such that, whereas, the Principal did on the **15th day of December, 2011** enter into a Contract with the Owner for the construction of **Senior Citizen Center Roof Replacement** which said contract is made part of the bond as though set herein; and the same contract was completed and accepted on **1/09/2012**.

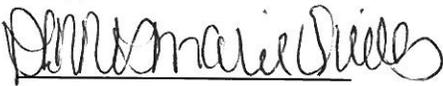
Now, if the said Principal shall remedy without cost to the Owner any defects which may develop during a period of **two (2) year (s)** from the date of completion and acceptance of the work performed under the contract, provided such defects, according to reasonable construction and engineering standards, are the result of defective or inferior materials or workmanship, then this obligation shall be void, otherwise, it shall be and remain in full force and effect. The Surety hereby stipulates and agrees that no modifications, deletions or additions in or to the terms of said contract, drawings or specifications therefore shall in no way affect its obligation on this bond.

Surety shall have no liability under this bond unless all premiums (initial and renewed, if any) shall be paid to the Surety. The Surety shall notify the owners in writing in the event any premium is not paid, and this bond shall be deemed canceled three (3) days after such notice to the owner.

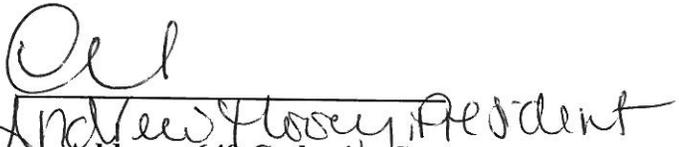
IN WITNESS WHEREOF, the Principal and Surety have duly executed this bond under seal this **2/13/2012**.

ATTEST:

INC.

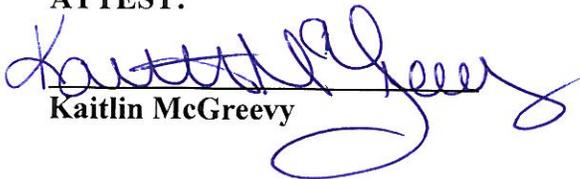


NORTHEAST ROOF MAINTENANCE,



Andrew Flossey, President
Address: 649 Catherine Street
Perth Amboy, NJ 08861

ATTEST:



Kaitlin McGreevy

Torus National Insurance Company



Philip S. Tobey, Attorney In Fact

ATTACHMENT 7

AFFIDAVIT

STATE OF NEW JERSEY :
COUNTY OF MIDDLESEX : SS

I, Andrew Hoocy, being duly sworn, according to law, on his oath say that I am President, of the firm of **Northeast Roof Maintenance, Inc.**, which entered into contract with the Borough of New Providence, County of Union, **December 15, 2011** and entitled

Senior Center Roof Replacement Project

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.

Northeast Roof Maintenance, Inc.
Name of Firm

[Signature]
Signature

Dennismarie Quiles Andrew Hoocy
Sworn and Subscribed to before me this 6 day of February, 2012
Typed or Printed Name

ATTACHMENT 8

RELEASE

KNOW ALL MEN BY THESE PRESENTS: THAT

Northeast Roof Maintenance, Inc., hereinafter known as the Releasor, for and in consideration of the sum of **\$33,700.00** 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 is 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 **December 15, 2011** between the Borough of New Providence, in the County of Union, as party of the first part, and **Northeast Roof Maintenance, Inc.**, as contractor pursuant to plans and specifications for **Senior Center Roof Replacement Project**.

