

**RESOLUTION**  
of the  
**BOROUGH OF NEW PROVIDENCE**  
Resolution No. 2014-152

Council Meeting Date: 04-28-2014

Date Adopted: 04-28-2014

TITLE: RESOLUTION APPROVING CHANGE ORDER #2 FOR PENN BOWER INC., IN THE AMOUNT OF \$2,029.75, FOR ADDITIONAL PLUMBING WORK, FOR THE PROJECT COMMONLY KNOWN AS "JAYCEE PARK RESTROOM FACILITY"

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

WHEREAS, Penn Bower Inc.'s, original contract amount was \$178,200.00 for the project commonly known as "Jaycee Park Restroom Facility"; and

WHEREAS, Change Order #1 was approved for an extension of time from November 1, 2013 to December 31, 2013; and

WHEREAS, Change Order #2 in the amount of \$2,029.75, is requested for the installation of an access panel; and

WHEREAS, based upon the review of Change Order #2, the Borough Engineer agrees with the request and is recommending Change Order #2; 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 #2 for Penn Bower Inc. in the amount of \$2,029.75, for the installation of an access panel, be approved for the project commonly known as "Jaycee Park Restroom Facility".

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

APPROVED, this 28<sup>th</sup> day of April, 2014.

## RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
GALLUCCIO	X			
GENNARO	X			
KAPNER	X			
MADDEN	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 28<sup>th</sup> day of April, 2014.

Wendi B. Barry, Borough Clerk

J. Brooke Hern, Mayor

Andrew R. Hipolit, Borough Engineer

Margaret Koontz, Administrative Assistant

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## MEMORANDUM

To: Doug Marvin, Borough Administrator

From: Andrew Hipolit, P.E., Borough Engineer

CC: Wendi Barry, Borough Clerk (w/attachments)  
Keith Lynch, Director of Planning and Development  
Jim Johnston, Public Works Manager  
Ted Kapuscinski, Kapuscinski Luongo Architects

Dated: April 23, 2014

**RE: Resolution for Project Change Order #2 and Partial Payment #3  
Jaycee Park Restroom Facility**

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With reference to the above captioned project, I hereby transmit Project Change Order #2 in the amount of \$ 2,029.75 and Partial Payment #3 in the amount of \$ 25,333.00 for approval through Resolution by the Mayor and Council.

On March 31, 2014, a site plumbing inspection was performed whereby an access panel was requested to be installed by Penn Bower. In coordination with Ted Kapuscinski, the access panel shop drawing submittal was provided and approved so it could be ordered and installed by Penn-Bower for Project Change Order #2. Based on a verbal agreement by Kapuscinski Luongo Architects, Penn-Bower performed the work consisting of all the labor and material cost in the amount of \$2,029.75. Based on a request for supporting documentation, Penn-Bower provided a letter dated April 3, 2014 for Project Change Order #2 (Attachment #1).

The total cost of this Project Change Order #2 to the contract is \$2,029.75 resulting in an increase; the original contract amount is \$178,200.00. The amended contract amount is \$180,229.75, including Project Change Order #2.

Please find request for payment by Penn-Bower with the percentages checked in the field for each item by the Engineering Department and Kapuscinski Luongo Architects and the payment amounts verified as of April 22, 2014 (Attachment #2).

- Penn-Bower Application for Payment #3, submitted April 15, 2014
- Partial Payment #3, dated April 22, 2014

Original Contract Amount	\$ 178,200.00
Project Change Order #2	\$ 2,029.75
	<u>\$ 180,229.75</u>

Total Cost of Work Completed	\$ 178,200.00
Amount Billed Previously	(-)\$ 149,303.00
<u>Retainage (2% of Completed Work)</u>	<u>(-)\$ 3,564.00</u>
<b>Partial Payment #3 Amount Due</b>	<b>\$ 25,333.00</b>

Based on a review of Project Change Order #2 and the work completed for Partial Payment #3 with Kapuscinski Luongo Architects, I recommend the Mayor and Council approve Project Change Order #2 in the amount of \$ 2,029.75 and Partial Payment #3 in the amount of \$ 25,333.00 to Penn-Bower, Inc.

Attached are copies for your reference.

File: NPT367 Jaycee Park Restroom Facility

**PENN-BOWER INC.**



Attn: Mark G. Demareski

April 3, 2014

Proposed Change Order #2

Original contract amount	\$ 178,200.00
Change Order amount	\$ 2,029.75
New Contract Amount	\$ 180,229.75

After meeting with plumbing sub code official on 03/31/14 that a access panel is required for the restroom facility the access panel was submitted and approved by architect, attached please find a copy of the change order which has the breakdown of material and Labor costs of \$ 2029.75, which was approved by the architect.

Panel has been ordered and installed final inspections will be scheduled for next week I will then meet with architect and Marc Post for their final inspection



Joe Lucas  
Penn Bower, Inc.

143 West Main Street High Bridge, NJ 08829  
Phone 908-638-8025 Fax 908-638-9275

**Penn-Bower**

RFC 1- Supply and install lentel and access door.

Labor

Qty	Desc.	Hour	Day	No of Days	Eqpt.	Material	Payroll
1	Foreman			0.5			\$280.00
1	Un Labor			0.5			\$268.00
0	Cops			0			\$0.00
1	Teamster			0			\$0.00
1	Operator			0			\$0.00
Access Panel						\$617.00	
Lentel						\$100.00	
Mason						\$500.00	

<u>Equipment</u>					\$0.00
Qty.	Type	No. of Days	Cost		\$0.00
1	Service		0	\$0.00	
1	P/U		0	\$0.00	
0	Box		0	\$0.00	
1	Rammax		0	\$0.00	
1	Compressor		0	\$0.00	
1	Backhoe		0	\$0.00	
0	Pump		0	\$0.00	
				\$0.00	
				\$1,217.00	\$548.00
				Subtotal	\$1,765.00

15pct OH&P \$264.75  
 Total \$2,029.75

*Verified with Ted Kagusinski 4/21/14  
 gmo*

# ATTACHMENT 2

**Penn- Bower, Inc.**  
 143 West Main St., High Bridge, NJ 08829

**Contractor's Application for Payment No.** 3

Application Period: 10/3/2013 - 4/15/14 Application Date: 15-Apr

To (Owner): Borough of new Providence From (Contractor): Penn Bower Via (Engineer): Maser consulting

Project: Jaycee Park Restroom Contract: Engineer's Project No.: NPT 367

Owner's Contract No.:

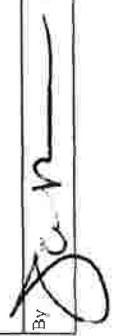
**Application for Payment  
 Change Order Summary**

Approved Change Orders Number	Additions	Deductions
1	\$2,029.75	
<b>TOTALS</b>		
<b>NET CHANGE BY CHANGE ORDERS</b>		\$2,029.75

1. ORIGINAL CONTRACT PRICE..... \$ 178,200.00
2. Net change by Change Orders..... \$ 2,029.75 *Pending*
3. Current Contract Price (Line 1 + 2)..... \$ 180,229.75
4. TOTAL COMPLETED AND STORED TO DATE (Column F on Progress Estimate)..... \$ 146,229.75
5. RETAINAGE:
  - a. 2% X \$3,604.60 Work Complete
  - b. 0% X \$0.00 Stored Material
  - c. Total Retainage (Line 5a + Line 5b)..... \$ 3,604.60
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c)..... \$ 136,625.15
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)..... \$ 119,303.00
8. AMOUNT DUE THIS APPLICATION..... \$ 27,322.15
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G on Progress Estimate + Line 5 above)..... \$ 3,564.00

**Contractor's Certification**

The undersigned Contractor certifies that to the best of its knowledge: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interests or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective

By:  Date: 4-15-14

Payment of \$ \_\_\_\_\_ (Line 8 or other - attach explanation of the other amount)

is recommended by \_\_\_\_\_ (Engineer) \_\_\_\_\_ (Date)

Payment of \$ \_\_\_\_\_ (Line 8 or other - attach explanation of the other amount)

is approved by \_\_\_\_\_ (Owner) \_\_\_\_\_ (Date)

Approved by: \_\_\_\_\_ Funding Agency (if applicable) \_\_\_\_\_ (Date)

910  
 4/22/14

Penn- Bower, Inc.

Borough of New Providence Pay Application 1

Item #	UOM Description	Est Qty	Unit Price	Total	Qty This Per.	Previous Qty	Value to Date
1	LS Clearing Site	1	5000	\$5,000.00	10.00%	90.00%	\$5,000.00
2	LS Soil Erosion and Sediment control	1	3000	\$3,000.00	10.00%	90.00%	\$3,000.00
3	LS DGA	1	4500	\$4,500.00	100.00%	0.00%	\$4,500.00
4	SY Hot Mix I-2	300	25	\$7,500.00	100.00%	0.00%	\$7,500.00
5	SY Hot Mix I-5	300	20	\$6,000.00	100.00%	0.00%	\$6,000.00
6	LF Sanitary Sewer Connection	60	50	\$3,000.00	100.00%	0.00%	\$3,000.00
7	LF Water Service	300	25	\$7,500.00	0.00%	100.00%	\$7,500.00
8	LF Electrical	300	15	\$4,500.00	0.00%	100.00%	\$4,500.00
9	LS Topsoil	1	1500	\$1,500.00	100.00%	0.00%	\$1,500.00
10	LS Fertilizing and Seeding	1	500	\$500.00	100.00%	0.00%	\$500.00
11	LS Straw Mulching	1	500	\$500.00	100.00%	0.00%	\$500.00
12	UN Leyland Cypress planting	6	200	\$1,200.00	100.00%	0.00%	\$1,200.00
14	Restroom Facility						
14a	LS General Requirements	1	10000	\$10,000.00	25.00%	75.00%	\$10,000.00
14b	LS Site work	1	10000	\$10,000.00	40.00%	60.00%	\$10,000.00
14c	LS Concrete	1	12000	\$12,000.00	100.00%	0.00%	\$12,000.00
14d	LS Masonry	1	20000	\$20,000.00	90.00%	10.00%	\$20,000.00
14e	LS Metals	1	3000	\$3,000.00	100.00%	0.00%	\$3,000.00
14f	LS Wood & Plastic	1	8000	\$8,000.00	100.00%	0.00%	\$8,000.00
14g	LS Thermal Moisture Protection	1	6000	\$6,000.00	100.00%	0.00%	\$6,000.00
14h	LS Doors	1	9000	\$9,000.00	100.00%	0.00%	\$9,000.00
14i	LS Finishes	1	6500	\$6,500.00	50.00%	50.00%	\$6,500.00
14j	LS Specialty	1	5000	\$5,000.00	50.00%	50.00%	\$5,000.00
14k	LS Plumbing	1	27000	\$27,000.00	50.00%	50.00%	\$27,000.00
14l	LS Electrical	1	17000	\$17,000.00	50.00%	50.00%	\$17,000.00
				\$178,200.00			

Total earned \$178,200.00

28 Retainage (-) 3,564.00

25,373.00

9th 4/22/18

**PARTIAL PAYMENT #3**

**JAYCEE PARK RESTROOM FACILITY**

Contractor: PENN-BOWER, INC.  
143 WEST MAIN STREET  
HIGH RIDGE, NJ 08829

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

ITEM NO.	DESCRIPTION	UNITS	BID	ACTUAL	QUANTITIES UNIT PRICE	TOTAL
<b>SITE WORK</b>						
1.	CLEARING SITE	LS	1	100%	\$ 5,000.00 =	\$ 5,000.00
2.	SOIL EROSION AND SEDIMENT	LS	1	100%	\$ 3,000.00 =	\$ 3,000.00
3.	DGA, BASE COURSE, 6" THICK	SY	300	300	\$ 15.00 =	\$ 4,500.00
4.	HOT MIX ASPHALT SURFACE COURSE, MIX I-2, 2" THICK	SY	300	300	\$ 25.00 =	\$ 7,500.00
5.	HOT MIX ASPHALT BASE COURSE, MIX I-5, 4" THICK	SY	300	300	\$ 20.00 =	\$ 6,000.00
6.	SANITARY SEWER SERVICE	LF	60	60	\$ 50.00 =	\$ 3,000.00
7.	WATER SERVICE CONNECTION AND	LF	300	300	\$ 25.00 =	\$ 7,500.00
8.	ELECTRICAL SERVICE CONNECTION AND LINE INSTALLATION	LF	300	300	\$ 15.00 =	\$ 4,500.00
9.	TOPSOILING, 4" THICK, ENTIRE AREA	LS	1	100%	\$ 1,500.00 =	\$ 1,500.00
10.	FERTILIZING & SEED, ENTIRE AREA	LS	1	100%	\$ 500.00 =	\$ 500.00
11.	STRAW MULCHING, ENTIRE AREA	LS	1	100%	\$ 500.00 =	\$ 500.00
12.	LEYLAN CYPRUS, 6 TO 7 FEET TALL	UNITS	6	6	\$ 200.00 =	\$ 1,200.00
<b>RESTROOM FACILITY</b>						
14A	GENERAL CONDITIONS	LS	1	100%	\$ 10,000.00 =	\$ 10,000.00
14B	SITE WORK	LS	1	100%	\$ 10,000.00 =	\$ 10,000.00
14C	CONCRETE	LS	1	100%	\$ 12,000.00 =	\$ 12,000.00
14D	MASONRY	LS	1	100%	\$ 20,000.00 =	\$ 20,000.00
14E	METALS	LS	1	100%	\$ 3,000.00 =	\$ 3,000.00
14F	WOOD & PLASTIC	LS	1	100%	\$ 8,000.00 =	\$ 8,000.00
14G	THERMAL MOISTURE PROTECTION	LS	1	100%	\$ 6,000.00 =	\$ 6,000.00
14H	DOORS	LS	1	100%	\$ 9,000.00 =	\$ 9,000.00
14I	FINISHES	LS	1	100%	\$ 6,500.00 =	\$ 6,500.00
14J	SPECIALTIES	LS	1	100%	\$ 5,000.00 =	\$ 5,000.00
14K	PLUMBING	LS	1	100%	\$ 27,000.00 =	\$ 27,000.00
14L	ELECTRICAL	LS	1	100%	\$ 17,000.00 =	\$ 17,000.00
CO1	CHANGE ORDER #1 - TIME EXTENSION	---	---	---	---	---

TOTAL COST OF WORK COMPLETED = \$ 178,200.00  
 LESS 2% RETAINAGE = \$ 3,564.00  
 PARTIAL PAYMENT #1 = \$ 56,938.00  
 PARTIAL PAYMENT #2 = \$ 92,365.00  
 PARTIAL PAYMENT #3 = \$ 25,333.00

RECOMMENDED BY:  
  
 FOR  
 ANDREW C. HIRSH, P.E.  
 Borough Engineer

  
 Date