

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2015-174

Council Meeting Date: 04-27-2015

Date Adopted: 04-27-2015

TITLE: RESOLUTION APPROVING PARTIAL PAYMENT # 1 FOR DIAMOND CONSTRUCTION, IN THE AMOUNT OF \$20,861.10 FOR THE PROJECT COMMONLY KNOWN AS "CENTRAL AVENUE (SECTION 7) ADA CURB RAMP IMPROVEMENTS"

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

BE IT RESOLVED by the Mayor and Borough Council of the Borough of New Providence, County of Union and State of New Jersey that Andrew Hipolit, Borough Engineer recommends approval of partial payment #1 to Diamond Construction, 35 Beaverson Boulevard, Brick Township, N.J. 08723, in the amount of \$20,861.10 for the project commonly known as "Central Avenue (Section 7) ADA Curb Ramp Improvements".

APPROVED, this 27th day of April, 2015.

RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
GALLUCCIO	X			
GENNARO	X			
KAPNER	X			
MADDEN	X			
MUÑOZ	X			
ROBINSON	X			
MORGAN			TO BREAK COUNCIL TIE VOTE	

I hereby certify that the above resolution was adopted at a meeting of the Borough Council held on the 27th day of April, 2015.

Wendi B. Barry, Borough Clerk

B O R O U G H O F
NEW PROVIDENCE
SETTLED IN 1720

Allen Morgan, Mayor
Andrew R. Hipolit, Borough Engineer
Margaret Koontz, Administrative Assistant

MEMORANDUM

To: Doug Marvin, Borough Administrator

From: Andrew Hipolit, P.E., Borough Engineer *PJ for*

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

Dated: April 22, 2015

**RE: Resolution for Payment #1
Central Avenue (Section 7) ADA Curb Ramp Improvements**

With reference to the above-captioned project, I hereby transmit Payment #1, in the amount of \$20,861.10, for approval through Resolution, by the Mayor and Council.

Attached, please find request for payment from Diamond Construction. To date, the work outlined in payment #1 has been completed.

- Diamond Construction, Invoice #1, dated 5/30/2014, last revised 6/16/2014
- Diamond Construction, Payment Application (with Certified Payroll), dated 6/16/2014

Original Contract Amount	\$ 53,693.00
If and Where Directed Portion (not utilized)	\$ 30,514.00
Revised Contract Amount	\$ 23,179.00
Total Cost of Work Completed	23,179.00
Amount Billed Previously	(-) \$ 0
Retainage (10% of Completed Work)	(-) \$ 2,317.90
Payment #1 Amount Due	\$ 20,861.10

I hereby recommend the Mayor and Council approve Payment #1 in the amount of \$20,861.10 to Diamond Construction.



DIAMOND CONSTRUCTION

INVOICE

Date:	Payment Application No.
5/30/2014	#1 (Revised 6/16/14)
D/C Project #031-2014	PO #

35 Beaverson Blvd.
 Suite 12C
 Brick, New Jersey 08723
 Telephone: (732) 262-7449 - Fax: (732) 262-7795

Project Name:	
Central Ave. (Section 7) ADA Curb Ramp Improvem	
Customer Phone:	Customer Fax:
908-665-1400	908-665-9272

Contract Price:	53,693.00
Change Orders:	-
Total Work Completed:	23,179.00
Total Retainage Held:	2,317.90
Previous Applications:	-

Owner Name / Address:
 New Providence Borough
 360 Elkwood Avenue
 New Providence, NJ 07974

Engineer Name/Address:
 Mark Demareski, P.E.
 Maser Consulting, PA
 200 Valley Road, Ste. 400
 Mount Arlington, NJ 07856
 (T) 973-398-3110 (Cell) 908-310-0005
 (F) 973-398-3199

Item #	Description	Unit	Quantity	Unit Price	Total
1	Base Bid, Clearing Site, (12 Locations)	LS	12	1,000.00	12,000.00
2	Base Bid, ADA Curb Ramp Improvements, (12 Locations)	LS	12	780.00	9,360.00
3	Base Bid, Topsoiling, 4" Thick, (12 Locations)	LS	12	1.00	12.00
4	Base Bid, Fertilizing & Seeding, Taype A-3, (12 Locations)	LS	12	1.00	12.00
5	Base Bid, Straw Mulching, (12 Locatlons)	LS	12	1.00	12.00
6	Alt. Bid 1A, Clearing Site, (1 Locations)	LS	1	1,000.00	1,000.00
7	Alt. Bid 2A, Curb Ramp Improvements, (1 Locations)	LS	1	780.00	780.00
8	Alt. Bid 3A, Topsoiling, 4" Thick, (1 Location)	LS	1	1.00	1.00
9	Alt. Bid 4A, Fertilizing & Seeding, Type A-3, (1 Location)	LS	1	1.00	1.00
10	Alt. Bid 5A, Straw Mulching, (1 Location)	LS	1	1.00	1.00
11	Alt. Bid 1B, New Concrete Sidewalk, 4" Thick, (If & Where)	SF	0	6.00	-
12	Alt. Bid 2B, Replacement of Concrete Sidewalk, 4" Thick, (If	SF	0	7.00	-
13	Alt. Bid 3B, ADA Curb Ramps w/Conc. SW, (If & Where)	Unit	0	1,783.00	-

Approved by:  Date: 6/16/14	TOTAL WORK COMPLETED:	23,179.00
	LESS 10% RETAINAGE:	(2,317.90)
	TOTAL AMOUNT DUE:	20,861.10

PAYMENT APPLICATION

TO: New Providence Borough 360 Elkwood Avenue New Providence, NJ 07974 Attn: Mark Demareski, PE	PROJECT 031-2014 NAME AND LOCATION: 031-2014 - New Providence Borough - ADA Cu 360 Elkwood Avenue New Providence, NJ 07974	APPLICATION # 1 PERIOD THRU: 05/31/2014 PROJECT #s: 031-2014 DATE OF CONTRACT: 05/06/2014	Distribution to: <input type="checkbox"/> OWNER <input type="checkbox"/> ARCHITECT <input type="checkbox"/> CONTRACTOR <input checked="" type="checkbox"/> ENGINEER <input type="checkbox"/> PROPERTY MANAGER
FROM: Diamond Construction 35 Beaverson Blvd. Suite 12C Brick, NJ 08723	ARCHITECT:		
FOR: Central Ave. ADA Curb Ramp Improvements			

CONTRACTOR'S SUMMARY OF WORK

Application is made for payment as shown below.
Continuation Page is attached.

1. CONTRACT AMOUNT	53,693.00
2. SUM OF ALL CHANGE ORDERS	0.00
3. CURRENT CONTRACT AMOUNT (Line 1 +/- 2)	53,693.00
4. TOTAL COMPLETED AND STORED (Column G on Continuation Page)	23,179.00
5. RETAINAGE:	
a. 10.00% of Completed Work (Columns D + E on Continuation Page)	2,317.90
b. 0.00% of Material Stored (Column F on Continuation Page)	0.00
Total Retainage (Line 5a + 5b or Column I on Continuation Page)	2,317.90
6. TOTAL COMPLETED AND STORED LESS RETAINAGE (Line 4 minus Line 5 Total)	20,861.10
7. LESS PREVIOUS PAYMENT APPLICATIONS	0.00
8. PAYMENT DUE	20,861.10
9. BALANCE TO COMPLETION (Line 3 minus Line 6)	32,831.90

Contractor's signature below is his assurance to Owner, concerning the payment herein applied for, that: (1) the Work has been performed as required in the Contract Documents, (2) all sums previously paid to Contractor under the Contract have been used to pay Contractor's costs for labor, materials and other obligations under the Contract for Work previously paid for, and (3) Contractor is legally entitled to this payment.

CONTRACTOR: Diamond Construction

By: John S. Kovacs, President Date: 6/16/14

State of: NJ
County of: Ocean

Subscribed and sworn to before me this 16th day of June 2014

Notary Public: Marguerite Lobman NOTARY PUBLIC OF NEW JERSEY
My Commission Expires: 12/28/17 Commission Expires 12/28/2017

ARCHITECT'S/ENGINEER'S/DIRECTOR'S CERTIFICATION

Architect's/Engineer's signature below is his assurance to Owner, concerning the payment herein applied for, that: (1) Architect/Engineer has inspected the Work represented by this Application, (2) such Work has been completed to the extent indicated in this Application, and the quality of workmanship and materials conforms with the Contract Documents, (3) this Application for Payment accurately states the amount of Work completed and payment due therefor, and (4) Architect/Engineer knows of no reason why payment should not be made.

CERTIFIED AMOUNT.....

(If the certified amount is different from the payment due, you should attach an explanation. Initial all the figures that are changed to match the certified amount.)

ARCHITECT/ENGINEER: [Signature] Date: 4/21/15

Neither this Application nor payment applied for herein is assignable or negotiable. Payment shall be made only to Contractor, and is without prejudice to any rights of Owner or Contractor under the Contract Documents or otherwise.

SUMMARY OF CHANGE ORDERS	ADDITIONS	DEDUCTIONS
Total changes approved in previous months	\$0.00	\$0.00
Total approved this month	\$0.00	\$0.00
TOTALS	\$0.00	\$0.00
NET CHANGES	\$0.00	

CONTINUATION PAGE

PROJECT: 031-2014
 031-2014 - New Providence Borough - ADA
 Curb Ramps

APPLICATION #: 1
 DATE OF APPLICATION: 06/16/2014
 PERIOD THRU: 05/31/2014
 PROJECT #s: 031-2014

Payment Application containing Contractor's signature is attached.

A ITEM #	B WORK DESCRIPTION	C SCHEDULED AMOUNT	D COMPLETED WORK		F STORED MATERIALS (NOT IN D OR E)	G TOTAL COMPLETED AND STORED (D + E + F)	H % COMP (G / C)	I BALANCE TO COMPLETION (C-G)	J RETAINAGE (If Variable)
			AMOUNT PREVIOUS PERIODS	AMOUNT THIS PERIOD					
1	Base Bid, Clearing Site, (12 Locations)	\$12,000.00	\$0.00	\$12,000.00	\$0.00	\$12,000.00	100%	\$0.00	\$1,200.00
2	Base Bid, ADA Curb Ramp Improvements, (12 Locations)	\$9,360.00	\$0.00	\$9,360.00	\$0.00	\$9,360.00	100%	\$0.00	\$936.00
3	Base Bid, Topsoiling, 4" Thick, (12 Locations)	\$12.00	\$0.00	\$12.00	\$0.00	\$12.00	100%	\$0.00	\$1.20
4	Base Bid, Fertilizing & Seeding, Type A-3, (12 Locations)	\$12.00	\$0.00	\$12.00	\$0.00	\$12.00	100%	\$0.00	\$1.20
5	Base Bid, Straw Mulching, (12 Locations)	\$12.00	\$0.00	\$12.00	\$0.00	\$12.00	100%	\$0.00	\$1.20
6	Alt. Bid 1A, Clearing Site, (1 Location)	\$1,000.00	\$0.00	\$1,000.00	\$0.00	\$1,000.00	100%	\$0.00	\$100.00
7	Alt. Bid 2A, Curb Ramp Improvements, (1 Location)	\$780.00	\$0.00	\$780.00	\$0.00	\$780.00	100%	\$0.00	\$78.00
8	Alt. Bid 3A, Topsoiling, 4" Thick, (1 Location)	\$1.00	\$0.00	\$1.00	\$0.00	\$1.00	100%	\$0.00	\$0.10
9	Alt. Bid 4A, Fertilizing & Seeding, Type A-3, (1 Location)	\$1.00	\$0.00	\$1.00	\$0.00	\$1.00	100%	\$0.00	\$0.10
10	Alt. Bid 5A, Straw Mulching, (1 Location)	\$1.00	\$0.00	\$1.00	\$0.00	\$1.00	100%	\$0.00	\$0.10
11	Alt. Bid 1B, New Concrete Sidewalk, 4" Thick, (If & Where Directed)	\$7,500.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$7,500.00	\$0.00
12	Alt. Bid 2B, Replacement of Concrete Sidewalk, 4" Thick, (If &	\$8,750.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$8,750.00	\$0.00
13	Alt. Bid 3B, ADA Curb Ramps w/Concrete Sidewalk, (If & Where	\$14,264.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$14,264.00	\$0.00
TOTALS		\$53,693.00	\$0.00	\$23,179.00	\$0.00	\$23,179.00	43%	\$30,514.00	\$2,317.90

U.S. Department of Labor

Wage and Hour Division

PAYROLL

(For Contractor's Optional Use; See Instructions at www.dol.gov/esa/whd/forms/wh347instr.htm)

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.



U.S. Wage and Hour Division

Rev. Dec 2008

NAME OF CONTRACTOR <input type="checkbox"/> OR SUBCONTRACTOR <input checked="" type="checkbox"/>	ADDRESS	OMB No.: 1235-0008
Statewide Construction Personnel, Inc.	125 Half Mile Road, Suite 200 Suite WB-2 Red Bank, NJ 07701	Expires: 1/31/2015
PAYROLL NO. 1	FOR WEEK ENDING 05/31/2014	PROJECT AND LOCATION 031-2014 - New Providence Borough - ADA Curb Ramps
		PROJECT OR CONTRACT NO

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) # Ex	(3) WORK CLASSIFICATION	O T or S T	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED PROJECT / ALL	(8) DEDUCTIONS						(9) NET WAGES PAID FOR WEEK
				Su	Mo	Tu	We	Th	Fr	Sa				FICA	WITH-HOLDING TAX	STATE TAX	LOCAL TAX	OTHER	TOTAL DED	
				05/25	05/26	05/27	05/28	05/29	05/30	05/31				HOURS WORKED EACH DAY						
Joaquim DeAlmeida 82 Garrison Street Newark, NJ 07105 xxx-xx-2304	0	Laborer/B Rate	O	0	0	0	0	0	0	0	0	56.25	1200.00	98.53	151.37	25.12	0.00	62.46	338.48	861.52
			S	0	0	8	8	8	8	0	32	37.50	1200.00							
Jose Andrade 310 Passaic Avenue Harrison, NJ 07029 xxx-xx-9607	2	Laborer/B Rate	O	0	0	0	0	0	0	0	0	54.30	1158.40	95.35	122.34	23.96	0.00	62.32	303.97	854.43
			S	0	0	8	8	8	8	0	32	36.20	1158.40							
John Kovacs 125 Old Orchard Rd., East Toms River, NJ 08755 xxx-xx-1373	1	Operator	O	0	0	0	0	0	0	0	0	94.06	1154.40	172.19	343.73	111.60	0.00	0.00	627.52	1623.36
			S	0	0	4	4	4	4	0	16	72.15	2250.88							
		Truck Driver	O	0	0	0	0	0	0	0	0	68.28	1096.48							
			S	0	0	4	4	4	4	0	16	68.53								
Valter Peixoto 75 Prentice Avenue South River, NJ 08882 xxx-xx-0066	2	Laborer/Foreman	O	0	0	0	0	0	0	0	0	56.25	1200.00	98.53	128.58	25.08	0.00	58.86	311.05	888.95
			S	0	0	8	8	8	8	0	32	37.50	1200.00							
Ricardo Peixoto 75 Prentice Avenue South River, NJ 08882 xxx-xx-1178	1	Laborer Basic/D Rate	O	0	0	0	0	0	0	0	0	52.88	1128.00	92.41	127.98	23.44	0.00	63.06	306.89	821.11
			S	0	0	8	8	8	8	0	32	35.25	1128.00							
			O																	
			S																	

While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.9(a). The Copeland Act (49 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.9(a)(2)(i) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and Federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Public Burden Statement

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room 53502, 200 Constitution Avenue, N.W. Washington, D.C. 20210.

Date 06/06/2014

I, John A. Kovacs President
(Name of Signatory Party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by
Statewide Construction Personnel, Inc. on the
(Contractor or Subcontractor)

-2014 - New Providence Borough - ADA Curb Ramp; that during the payroll period commencing
(Building or Work)

on the 25 day of May, 2014, and ending the 31 day of May
2014, all persons employed on said project have been paid the full weekly wages earned,
that no rebates have been or will be made either directly or indirectly to or on behalf of said

Statewide Construction Personnel, Inc. from the
(Contractor or Subcontractor)

full weekly wages earned by any person and that no deductions have been made either
directly or indirectly from the full wages earned by any person, other than permissible
deductions as defined in Regulations, Part 3 (29 C.F.R. Subtitle A), issued by the Secretary
of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967;
76 Stat. 357; 40 U.S.C. § 3145), and described below:

(2) That any payrolls otherwise under this contract required to be submitted for the
above period are correct and complete; that the wage rates for laborers or mechanics
contained therein are not less than the applicable wage rates contained in any wage
determination incorporated into the contract; that the classifications set forth therein for
each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona
fide apprenticeship program registered with a State apprenticeship agency recognized by
the Bureau of Apprenticeship and Training, United States Department of Labor, or if no
such recognized agency exists in a State, are registered with the Bureau of Apprenticeship
and Training, United States Department of Labor.

(4) That:

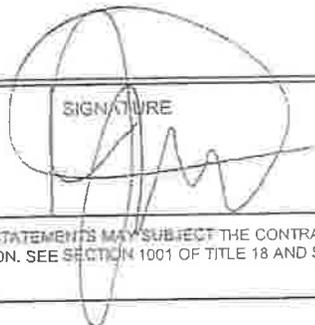
(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

In addition to the basic hourly wage rates paid to each laborer or mechanic listed in
the above referenced payroll, payments of fringe benefits as listed in the contract
have been or will be made to appropriate programs for the benefit of such
employees, except as noted in section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

-Each laborer or mechanic listed in the above referenced payroll has been paid,
as indicated on the payroll, an amount not less than the sum of the applicable
basic hourly wage rate plus the amount of the required fringe benefits as listed
in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION
Operator & Truck Driver	Paid Prevailing Wage Rate included in Pay
REMARKS:	
NAME AND TITLE	SIGNATURE
John A. Kovacs President	
THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.	

U.S. Department of Labor
Wage and Hour Division

PAYROLL

(For Contractor's Optional Use; See Instructions at www.dol.gov/esa/whd/forms/wh347instr.htm)

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NAME OF CONTRACTOR <input type="checkbox"/> OR SUBCONTRACTOR <input checked="" type="checkbox"/> Statewide Construction Personnel, Inc.	ADDRESS 125 Half Mile Road, Suite 200 Suite WB-2 Red Bank, NJ 07701	OMB No.: 1235-0008 Expires: 1/31/2015
PAYROLL NO. 2	FOR WEEK ENDING 06/07/2014	PROJECT AND LOCATION 031-2014 - New Providence Borough - ADA Curb Ramps

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) # Ex	(3) WORK CLASSIFICATION	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED PROJECT / ALL	(8) DEDUCTIONS					(9) NET WAGES PAID FOR WEEK	
			Su	Mo	Tu	We	Th	Fr	Sa				FICA	WITH-HOLDING TAX	STATE TAX	LOCAL TAX	OTHER		TOTAL DED.
			HOURS WORKED EACH DAY																
No Work Performed.	O																		
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While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 33.33(a) The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and Federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

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