

**RESOLUTION**  
of the  
**BOROUGH OF NEW PROVIDENCE**  
Resolution No. 2016-319

Council Meeting Date: 10-10-2016

Date Adopted: 10-10-2016

TITLE: RESOLUTION APPROVING PARTIAL PAYMENT #3 (FINAL) FOR K AND D CONTRACTORS, LLC IN THE AMOUNT OF \$8,808.72 FOR THE PROJECT COMMONLY KNOWN AS "BATHROOM RENOVATIONS PROJECT"

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

BE IT RESOLVED by the Mayor and Borough Council of the Borough of New Providence, County of Union and State of New Jersey that Keith Lynch, Construction Official, recommends approval of partial payment # 3 (Final) to K and D Contractor, LLC, 351 Monroe Avenue, Kenilworth, N.J. 07033, in the amounts of \$8,808.72 for the project commonly known as "Bathroom Renovations Project".

APPROVED, this 10<sup>th</sup> day of October, 2016.

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 10<sup>th</sup> day of October, 2016.

Wendi B. Barry, Borough Clerk

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# Memorandum

**To:** Doug Marvin, Borough Administrator  
**From:** Keith J. Lynch, Construction Official  
**CC:** Wendi Barry, Borough Clerk (w/attachments)  
Jim Johnston, Public Works Manager  
**Date:** September 28, 2016  
**Re:** **Final Payment**  
**Bathroom Renovations at DeCorso Center/Municipal Bldg.**

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With reference to the above captioned project, I hereby transmit the Final Payment in the amount of \$8,808.72 for approval by Resolution of the Mayor and Council.

Attached please find request for payment from K&D Contractors, LLC. To date, the project and approved change orders outlined in K&D Contractors invoice have been completed.

Original Contract Amount	\$127,300.00
Net change by Change Orders (1-4)	\$ 10,316.00
Adjusted Contract Amount	\$137,616.00
Total Cost of Work Completed	\$137,616.00
Less Partial Payment #1 and #2	\$128,807.28
<b>Final Payment Amount Due</b>	<b>\$ 8,808.72</b>
Balance To Finish Including Retainage	\$ 0.00

I hereby recommend the Mayor & Council approve the Final Payment in the amount of \$8,808.72 to K&D Contractors.

**APPLICATION AND CERTIFICATION FOR PAYMENT**

AIA DOCUMENT G702

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

PROJECT: Bathroom Renovations at  
DeCorso Ctr/Municipal  
Bldg.

APPLICATION NO: 3 - FINAL

Distribution to:

<input checked="" type="checkbox"/>	OWNER
<input type="checkbox"/>	ARCHITECT
<input type="checkbox"/>	CONTRACTOR
<input type="checkbox"/>	
<input type="checkbox"/>	

PERIOD TO: September 26, 2016

FROM CONTRACTOR:  
K&D Contractors, LLC  
351 Monroe Avenue, Kenilworth, NJ 07033

VIA ARCHITECT:

PROJECT NOS: K4416

CONTRACT FOR: General Construction

CONTRACT DATE: 7/12/2016

**CONTRACTOR'S APPLICATION FOR PAYMENT**

Application is made for payment, as shown below, in connection with the Contract.  
Continuation Sheet, AIA Document G703, is attached.

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment 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	\$	127,300.00
2. Net change by Change Orders	\$	10,316.00
3. CONTRACT SUM TO DATE (Line 1 ± 2)	\$	137,616.00
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$	137,616.00
5. RETAINAGE:		
a. % of Completed Work (Column D + E on G703)	\$	0.00
b. % of Stored Material (Column F on G703)	\$	0
Total Retainage (Lines 5a + 5b or Total in Column I of G703)	\$	0.00
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$	137,616.00
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$	128,807.28
8. CURRENT PAYMENT DUE	\$	8,808.72
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$	0.00

CONTRACTOR:

By: - Dennis Haag managing member Date: 9/26/16  
State of: New Jersey County of: Union  
Subscribed and sworn to before me this 26<sup>th</sup> day of Sept. 2016  
Notary Public: [Signature]  
My Commission expires: [Signature]

**ANNA BRUMMETT**  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires 8/8/2018

**ARCHITECT'S CERTIFICATE FOR PAYMENT**

In accordance with the Contract Documents, based on on-site observations and the data comprising the 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.

AMOUNT CERTIFIED ..... \$ \_\_\_\_\_

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

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.

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$10,316.00	
Total approved this Month	0	
<b>TOTALS</b>	\$0.00	\$0.00
<b>NET CHANGES by Change Order</b>	\$10,316.00	

Users may obtain validation of this document by requesting a completed AIA Document D401 - Certification of Document's Authenticity from the Licensee.

# CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 2 OF PAGES 2

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

APPLICATION NO: 3 - FINAL  
APPLICATION DATE: September 26, 2016

In tabulations below, amounts are stated to the nearest dollar.

PERIOD TO: September 26, 2016

Use Column I on Contracts where variable retainage for line items may apply.

ARCHITECT'S PROJECT NO:

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G		H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD		TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G + C)		
	Bathroom Renovaton at Municipal Center & DeCorso Center								
	<b><u>DeCorso Center</u></b>								
1	Submittals	\$600.00	\$600.00	\$0.00	\$0.00	\$600.00	100.00%	\$0.00	\$12.00
2	Mobilization	\$1,000.00	\$1,000.00	\$0.00	\$0.00	\$1,000.00	100.00%	\$0.00	\$20.00
3	Demo	\$3,500.00	\$3,500.00	\$0.00	\$0.00	\$3,500.00	100.00%	\$0.00	\$70.00
4	Concrete work	\$6,000.00	\$6,000.00	\$0.00	\$0.00	\$6,000.00	100.00%	\$0.00	\$120.00
5	Plumbing Rough	\$5,000.00	\$5,000.00	\$0.00	\$0.00	\$5,000.00	100.00%	\$0.00	\$100.00
6	Electrical Rough	\$3,500.00	\$3,500.00	\$0.00	\$0.00	\$3,500.00	100.00%	\$0.00	\$70.00
7	Ceiling Work	\$4,000.00	\$4,000.00	\$0.00	\$0.00	\$4,000.00	100.00%	\$0.00	\$80.00
8	Tile material/installation	\$13,000.00	\$13,000.00	\$0.00	\$0.00	\$13,000.00	100.00%	\$0.00	\$260.00
9	Painting	\$3,100.00	\$3,100.00	\$0.00	\$0.00	\$3,100.00	100.00%	\$0.00	\$62.00
10	Electrical fixture material/installation	\$4,500.00	\$4,500.00	\$0.00	\$0.00	\$4,500.00	100.00%	\$0.00	\$90.00
11	Plumbing fixture material/installation	\$8,000.00	\$8,000.00	\$0.00	\$0.00	\$8,000.00	100.00%	\$0.00	\$160.00
12	Countertop/sink material/installation	\$3,500.00	\$3,500.00	\$0.00	\$0.00	\$3,500.00	100.00%	\$0.00	\$70.00
13	Partition/Accessories-material/installation	\$7,600.00	\$7,600.00	\$0.00	\$0.00	\$7,600.00	100.00%	\$0.00	\$152.00
14	Testing/Inspections	\$200.00	\$0.00	\$200.00	\$0.00	\$200.00	100.00%	\$0.00	\$4.00
15	De-Mobilization	\$600.00	\$0.00	\$600.00	\$0.00	\$600.00	100.00%	\$0.00	\$12.00
16	Closeouts/As-Builts	\$600.00	\$0.00	\$600.00	\$0.00	\$600.00	100.00%	\$0.00	\$12.00
17	Change Order #1	\$1,680.00	\$1,680.00	\$0.00	\$0.00	\$1,680.00	100.00%	\$0.00	\$33.60
	<b><u>Municipal Center</u></b>								
1	Submittals	\$600.00	\$600.00	\$0.00	\$0.00	\$600.00	100.00%	\$0.00	\$12.00
2	Mobilization	\$1,000.00	\$1,000.00	\$0.00	\$0.00	\$1,000.00	100.00%	\$0.00	\$20.00
3	Demo	\$3,500.00	\$3,500.00	\$0.00	\$0.00	\$3,500.00	100.00%	\$0.00	\$70.00
4	Concrete work	\$10,500.00	\$10,500.00	\$0.00	\$0.00	\$10,500.00	100.00%	\$0.00	\$210.00
5	Plumbing Rough	\$5,000.00	\$5,000.00	\$0.00	\$0.00	\$5,000.00	100.00%	\$0.00	\$100.00
6	Electrical Rough	\$3,500.00	\$3,500.00	\$0.00	\$0.00	\$3,500.00	100.00%	\$0.00	\$70.00
7	Ceiling Work	\$3,000.00	\$3,000.00	\$0.00	\$0.00	\$3,000.00	100.00%	\$0.00	\$60.00
8	Tile material/installation	\$12,000.00	\$12,000.00	\$0.00	\$0.00	\$12,000.00	100.00%	\$0.00	\$240.00
9	Painting	\$2,000.00	\$2,000.00	\$0.00	\$0.00	\$2,000.00	100.00%	\$0.00	\$40.00
10	Electrical fixture material/installation	\$3,500.00	\$3,500.00	\$0.00	\$0.00	\$3,500.00	100.00%	\$0.00	\$70.00
11	Plumbing fixture material/installation	\$7,000.00	\$7,000.00	\$0.00	\$0.00	\$7,000.00	100.00%	\$0.00	\$140.00
12	Countertop/sink material/installation	\$3,000.00	\$3,000.00	\$0.00	\$0.00	\$3,000.00	100.00%	\$0.00	\$60.00

# CONTINUATION SHEET

AIA DOCUMENT G703

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AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

APPLICATION NO: 3-FINAL  
APPLICATION DATE: September 26, 2016

In tabulations below, amounts are stated to the nearest dollar.

PERIOD TO: September 26, 2016

Use Column I on Contracts where variable retainage for line items may apply.

ARCHITECT'S PROJECT NO:

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G		H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD		TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G ÷ C)		
13	Partition/Accessories-material/installation <b><u>Municipal Center Continued</u></b>	\$6,600.00	\$6,600.00	\$0.00	\$0.00	\$6,600.00	100.00%	\$0.00	\$132.00
14	Testing/Inspections	\$200.00	\$0.00	\$200.00	\$0.00	\$200.00	100.00%	\$0.00	\$4.00
15	De-Mobilization	\$600.00	\$0.00	\$600.00	\$0.00	\$600.00	100.00%	\$0.00	\$12.00
16	Closeouts/As-Builts	\$600.00	\$0.00	\$600.00	\$0.00	\$600.00	100.00%	\$0.00	\$12.00
17	Change Order #2	\$2,756.00	\$2,756.00	\$0.00	\$0.00	\$2,756.00	100.00%	\$0.00	\$55.12
18	Change Order #3	\$2,500.00	\$2,500.00	\$0.00	\$0.00	\$2,500.00	100.00%	\$0.00	\$50.00
19	Change Order #4	\$3,380.00	\$0.00	\$3,380.00	\$0.00	\$3,380.00	100.00%	\$0.00	\$67.60
<b>GRAND TOTALS</b>		\$137,616.00	\$131,436.00	\$6,180.00	\$0.00	\$137,616.00	100%	\$0.00	\$2,752.32

Users may obtain validation of this document by requesting of the license a completed AIA Document D401 - Certification of Document's Authenticity

**CONTRACTOR'S FINAL UNCONDITIONAL CLAIM RELEASE  
AND LIEN WAIVER**

**OWNER: BOROUGH OF NEW PROVIDENCE, 360 Elkwood Ave, New Providence, NJ**

**CONTRACTOR: K&D CONTRACTORS, LLC, 351 Monroe Avenue, Kenilworth, NJ, 07033**

In consideration of payment in the amount of **\$8,808.72** (amount of final payment – Invoice #3) (hereinafter referred to as “Final Payment”), paid by **Borough of New Providence** (hereinafter called “Owner”), to Contractor for itself, its successors and assigns hereby remises, waives, releases and forever discharges Owner of and from all manner of debts, demands, actions, causes of action, liens, suits, accounts, covenants, contracts, agreements and any and all claims and liabilities whatsoever in law and in equity, arising out of, in connection with or in any way related to the construction of, and improvements to **New Providence Bathroom Renovations at DeCorso Center and Municipal Building** (hereinafter the “Work”).

Contractor hereby accepts Final Payment as full compensation and payment for all labor, services, equipment or materials furnished to Owner for the Work, and further warrants and represents that all bills, claims, demands, liabilities and obligations for services, material, equipment, labor and any other items furnished to the date hereof in connection with the Work have been paid and satisfied.

Contractor unconditionally certifies that it has been paid in full for all work, labor, material equipment, or services of any kind furnished by or through Contractor relating to or concerning the Work, and Contractor hereby unconditionally waives, releases and relinquishes any and all liens or claims or rights upon the Work or property of the Owner and all improvements thereon, on account of services, material, equipment, labor or other items furnished by Contractor in connection with the Work. Contractor further agrees hereby to indemnify and hold Owner harmless from any and all expenses, including costs and reasonable attorneys’ fees, from any and all claims, liens or financial obligations arising under, in connection with or by virtue of the Work. The foregoing certification, release, and indemnification are not contingent in any respect nor are they subject to any condition precedent. Contractor acknowledges that the foregoing representations are made to induce Owner to make final payment knowing that Owner relies on the representations herein contained.

CONTRACTOR: K&D Contractors, LLC

\_\_\_\_\_  
(Signature)

By: Dennis P. Hoag

Title Managing Member

Attested to this 26<sup>th</sup>  
day of Sept., 2016

Notary Public: \_\_\_\_\_

ANNA BRUMMETT  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires 8/8/2018