

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2016-373

Council Meeting Date: 12-19-2016

Date Adopted: 12-19-2016

TITLE: RESOLUTION APPROVING PARTIAL PAYMENT # 1 FOR A A BERMS, LLC IN THE AMOUNT OF \$26,612.15 FOR THE PROJECT COMMONLY KNOWN AS "2016 SIDEWALK PROGRAM"

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 A A Berms, LLC, 106 Mill Street, /Belleville, N.J. 01709, in the amounts of \$26,612.15 for the project commonly known as "2016 Sidewalk Program".

APPROVED, this 19th day of December, 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 19th day of December, 2016.

Wendi B. Barry, Borough Clerk

Allen Morgan, Mayor

Andrew R. Hipolit, Borough Engineer

Margaret Koontz, Administrative Assistant

MEMORANDUM

To: Douglas R. 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

Dated: December 9, 2016

RE: **2016 Sidewalk Program**
Progress Payment #1
Maser Project No. NPT-569

AA Berms, LLC, the contractor for the above referenced project, has requested Progress Payment No. 1. Our office has been monitoring construction and as-built quantities for contract items completed through November 2016.

Attached, please find the following:

- Progress Payment No. 1, dated 12/8/2016, prepared by Maser Consulting;
- AIA Payment Certificate, prepared by AA Berms, LLC and signed and sealed by Maser Consulting, dated 12/8/2016;
- AA Berms, LLC Invoice dated 11/28/2016;
- Certified Payrolls for Weeks Ending 11/13-16 and 11/20/16, prepared by AA Berms, LLC.

To date, all the work has been completed to the satisfaction of the Borough Engineer.

Original Contract Amount	\$ 99,309.20
Total Cost of Work Completed	\$27,155.25
Less 2% Retainage	(-) \$543.11
Amount Billed Previously	(-) \$0.00
Progress Payment No. 1	\$26,612.15

I hereby recommend the Mayor and Council approve Progress Payment No. 1 in the amount of **\$26,612.15** to AA Berms, LLC.



BOROUGH OF NEW PROVIDENCE
 2016 SIDEWALK PROGRAM
 AA BERMS, LC
 106 MILL ST. BELLEVILLE, NJ 07109

PROGRESS PAYMENT #1
 PROJECT NO. NPT569
 DATE ISSUED: 12/8/2016

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	AMENDED QTY	QTY THIS EST.	AMOUNT THIS EST.	QTY PREV. EST.	QTY TO DATE	AMOUNT TO DATE
BASE BID										
1	EXCAVATION, UNCLASSIFIED (IF/WHERE DIRECTED)	200	CY	\$ 0.01	200	0.00	\$ -	0.00	0.00	\$ -
2	CONCRETE SIDEWALK, 4" THICK (IF/WHERE DIRECTED)	1,240	SY	\$ 67.50	1,240	402.30	\$ 27,155.25	0.00	402.30	\$ 27,155.25
3	REMOVAL OF EXISTING SIDEWALK (IF/WHERE DIRECTED)	720	SY	\$ 0.01	720	0.00	\$ -	0.50	0.50	\$ 0.01
4	ADA CURB RAMP, WITH DETECTABLE WARNING SURFACE (IF/WHERE DIRECTED)	12	UN	\$ 1,300.00	12	0.00	\$ -	0.00	0.00	\$ -
						BASE BID \$	27,155.25			\$ 27,155.26

ORIGINAL CONTRACT AMOUNT	\$99,309.20
CHANGE ORDER NO. 1	
ADJUSTED CONTRACT AMOUNT	\$99,309.20
TOTAL COMPLETED TO DATE	\$ 27,155.26
RETAINAGE (2% OF COMPLETED WORK)	(-) \$ (543.11)
SUBTOTAL:	\$ 26,612.15
LESS PREVIOUS PAYMENTS (Progress Payment 1):	\$ -
TOTAL AMOUNT DUE:	\$ 26,612.15

APPLICATION AND CERTIFICATE FOR PAYMENT

TO OWNER:
 Borough of New Providence
 360 Elkwood Avenue
 New Providence, NJ 07974
 FROM CONTRACTOR:
 AA BERMS, LLC
 106 MILL STREET
 BELLEVILLE, NJ 07109
 CONTRACT FOR: 2016 SIDEWALK PROGRAM

PROJECT: 2016 SIDEWALK PROGRAM

 VIA ARCHITECT/ENGINEER:
 Maser Consulting PA
 400 Valley Road
 Suite 304
 Mount Arlington, NJ

APPLICATION #: 1
 PERIOD TO: 11/28/16
 PROJECT NOS: NPT569

 CONTRACT DATE:
 September 26, 2016

Distribution to:
 Owner
 Const. Mgr
 Architect
 Contractor
 Engineer

CONTRACTOR'S APPLICATION FOR PAYMENT

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

1. ORIGINAL CONTRACT SUM-----	\$	99,309.20
2. Net change by Change Orders-----	\$	
3. CONTRACT SUM TO DATE (Line 1 +/- 2)	\$	99,309.20
4. TOTAL COMPLETED & STORED TO DATE-\$ (Column G on Continuation Sheet)		27,155.25
5. RETAINAGE:		
a. 2.0% of Completed Work (Columns D+E on Continuation Sheet)	\$	543.11
b. _____ of Stored Material (Column F on Continuation Sheet)	\$	
Total Retainage (Line 5a + 5b or Total in Column 1 of Continuation Sheet-----	\$	543.11
6. TOTAL EARNED LESS RETAINAGE----- (Line 4 less Line 5 Total)	\$	26,612.15
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)-----		
	\$	
8. CURRENT PAYMENT DUE-----	\$	26,612.15
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$	72,697.06

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 therein is now due.

CONTRACTOR:

By: [Signature] Date: 12/8/16

State of New Jersey
 County of: Hudson

Subscribed and sworn to before me this 8 day of December, 2016

Notary Public: [Signature]
 My Commission expires: OCT 31, 2021

JASON M GARCIA
 Notary Public
 State of New Jersey
 My Commission Expires Oct. 31, 2021
 I.D.# 50048847

CERTIFICATE FOR PAYMENT

In accordance with Contract Documents, based on on-site observations and the data comprising 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 ----- \$ 26,612.15

(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.)

ENGINEER:

By: [Signature] Date: 12/8/16

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 of Contractor under this Contract.

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

CONTINUATION SHEET

ATTACHMENT TO PAY APPLICATION
 PROJECT:
 2016 SIDEWALK PROGRAM

APPLICATION NUMBER: 1
 APPLICATION DATE: 7-Dec-16
 PERIOD TO: 28-Nov-16
 ARCHITECT'S PROJECT NO: NPT569

A Item No.	B Description of Work All Work is "If/Where Directed to"	C Scheduled Value	D Work Completed		F Materials Presently Stored (Not In D or E)	G		H Balance To Finish (C - G)	I Retainage
			From Previous Application (D + E)	This Period		Total Completed And Stored To Date (D + E + F)	% (G/C)		
1	EXCAVATION, UNCLASSIFIED	\$2.00				\$ -		\$ 2	\$ -
2	CONCRETE SIDEWALK, 4" THICK	\$83,700.00		\$27,155.25		\$ 27,155	32%	\$ 56,545	\$ 543
3	REMOVAL OF EXISTING SIDEWALK	\$7.20				\$ -		\$ 7	\$ -
4	ADA CURB RAMP, WITH DETECTABLE WARNING SURFACE	\$15,600.00				\$ -		\$ 15,600	\$ -
5						\$ -		\$ -	\$ -
6						\$ -		\$ -	\$ -
7						\$ -		\$ -	\$ -
8						\$ -		\$ -	\$ -
9						\$ -		\$ -	\$ -
10						\$ -		\$ -	\$ -
11						\$ -		\$ -	\$ -
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21						\$ -		\$ -	\$ -
22						\$ -		\$ -	\$ -
23						\$ -		\$ -	\$ -
24						\$ -		\$ -	\$ -
	SUBTOTALS PAGE 2	\$99,309.20		\$27,155.25		\$27,155.25	27.34%	\$72,153.95	\$543.11

AA Berms LLC

106 MILL ST
NJ 07109

Invoice

Date	Invoice #
11/28/2016	1

Bill To
Borough of New Providence Municipal Building 360 Elkwood Ave. 3rd Flr New Povidence NJ 07974

P.O. No.	Terms	Project
	Net 30	16-01 (2016 Sidewal...

Item	Description	Est Amt	Prior Amt	Qty	Unit Price	Amount
2	Concrete Sidewalk, 4" Thick (If/Where Directed)	83,700.00		402.3	67.50	27,155.25

Total	\$27,155.25
Payments/Credits	\$0.00
Balance Due	\$27,155.25

NEW JERSEY DEPARTMENT OF TRANSPORTATION STATEMENT OF COMPLIANCE

Date: November 28, 2016

I, Juan Alvarado, Owner do hereby state:
(Name of signatory party) (Title)

(1) That I pay or supervise the payment of the persons employed by AA Berms LLC on
(Contractor of Subcontractor)
 the 2016 Sidewalk Program; that during the payroll period commencing on the 7th day of November 2016 and
(Project Name)
 ending the 13th day of November 2016 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 AA Berms LLC
(Contractor of Subcontractor)
 from the 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 CFR Subtitle A), issued by the Secretary of
 Labor under the Copeland Act, as amended (48 Stat. 108, 72 Stat. 967; 76Stat 357; 40 U.S.C. §3145) and described below:

(2) That any payrolls otherwise under this contract to be submitted for the above period are correct and complete; that the wages rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage rate 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 in a State, are registered with the Bureau of Apprenticeship and Training, United State 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

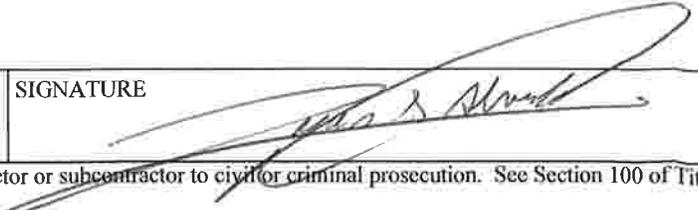
Each laborer or mechanic listed in the above referenced payroll has been paid as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in Section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS

NAME AND TITLE
 Juan Alvarado/ Owner

SIGNATURE


NEW JERSEY DEPARTMENT OF TRANSPORTATION STATEMENT OF COMPLIANCE

Date: November 28, 2016

I, Juan Alvarado, Owner do hereby state:
(Name of signatory party) (Title)

(1) That I pay or supervise the payment of the persons employed by AA Berms LLC on
(Contractor of Subcontractor)
 the 2016 Sidewalk Program; that during the payroll period commencing on the 14th day of November 2016 and
(Project Name)
 ending the 20th day of November 2016 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 AA Berms LLC
(Contractor of Subcontractor)

from the 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 CFR Subtitle A), issued by the Secretary of
 Labor under the Copeland Act, as amended (48 Stat. 108, 72 Stat. 967; 76Stat 357; 40 U.S.C. §3145) and described below:

(2) That any payrolls otherwise under this contract to be submitted for the above period are correct and complete; that the wages rates for
 laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage rate 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 in a State, are registered with the Bureau of Apprenticeship and Training, United State Department of Labor.

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 except as noted in Section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS

NAME AND TITLE
Juan Alvarado/ Owner

SIGNATURE
