

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2017-067

Council Meeting Date: 02-15-2017

Date Adopted: 02-15-2017

TITLE: RESOLUTION APPROVING PARTIAL PAYMENT # 1 FOR HUTTON CONSTRUCTION, LLC, IN THE AMOUNT OF \$68,845.09 FOR THE PROJECT COMMONLY KNOWN AS "CLEARWATER DETENTION BASIN DIVERSION CHANNEL REPAIRS"

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 Hutton Construction, LLC, 41 Village Park Road, Cedar Grove, N.J. 07009, in the amounts of \$68,845.09 for the project commonly known as "Clearwater Detention Basin Diversion Channel Repairs".

APPROVED, this 15th day of February, 2017.

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 15th day of February, 2017

Wendi B. Barry, Borough Clerk

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: January 30, 2017

RE: Progress Payment No. 1
Clearwater Detention Basin Diversion Channel Repairs
MC Project No. NPT-537

With reference to the above captioned project, I hereby transmit Progress Payment No. 1 for approval by Resolution of the Mayor and Council.

Attached, please find the following:

- Progress Payment No. 1, dated 1/29/2017, prepared by Maser Consulting, consisting of one (1) page;
- Application and Certification for Payment, prepared by Hutton Construction and certified by Maser Consulting, dated 1/30/2017, consisting of two (2) pages; and
- Certified Payroll Certificates Weeks Ending 12/20 & 12/27, prepared by Hutton Construction, consisting of five (5) pages.

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

<u>Original Contract Amount</u>	\$ 266,264.20
Total Cost of Work Completed	\$70,250.09
Less 2% Retainage	(-) \$1,405.00
<u>Amount Billed Previously</u>	(-) \$0.00
Adjusted Contract Amount	\$68,845.09

I hereby recommend the Mayor and Council approve Progress Payment No. 1 in the amount of **\$68,845.09** to Hutton Construction LLC.



**BOROUGH OF NEW PROVIDENCE
 CLEARWATER DETENTION BASIN DIVERSION CHANNEL REPAIRS
 HUTTON CONSTRUCTION, LLC
 41 VILLAGE PARK ROAD
 CEDAR GROVE, NJ 07009**

**PROGRESS PAYMENT NO. #1
 PROJECT NO. NPT-537
 PERIOD ISSUED - DECEMBER 14-DECEMBER 27, 2016
 DATE ISSUED: 1/30/2017**

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	SOIL EROSION AND SEDIMENT CONTROL MEASURES	1	LS	\$ 9,300.00	1	1.00	\$ 9,300.00	0.00	1.00	\$ 9,300.00
2	CLEARING SITE	1	LS	\$ 21,700.00	1	1.00	\$ 21,700.00	0.00	1.00	\$ 21,700.00
3	EXCAVATION AND GRADING, UNCLASSIFIED	1	LS	\$ 93,100.00	1	0.30	\$ 27,930.00	0.00	0.30	\$ 27,930.00
4	GROUTED RIP-RAP FOR WEIR REPAIR (IF AND WHERE DIRECTED)	50	CY	\$ 188.00	50	0.00	\$ -	0.00	0.00	\$ -
5	GROUT FOR WEIR REPAIR (IF AND WHERE DIRECTED)	50	CY	\$ 90.00	50	0.00	\$ -	0.00	0.00	\$ -
6	GABION CHANNEL LINING (BASKETS)	742	CY	\$ 121.00	742	68.00	\$ 8,228.00	0.00	68.00	\$ 8,228.00
7	FILTER FABRIC	2159	SY	\$ 0.80	2159	204.00	\$ 163.20	0.00	204.00	\$ 163.20
8	GABION STONE (WASH AND REUSE ON-SITE MATERIAL) (IF AND WHERE DIRECTED)	371	CY	\$ 25.00	371	68.00	\$ 1,700.00	0.00	68.00	\$ 1,700.00
9	GABION STONE (IMPORT) (IF AND WHERE DIRECTED)	520	CY	\$ 39.00	520	31.51	\$ 1,228.89	0.00	31.51	\$ 1,228.89
10	TOPSOILING, 4" THICK (IF AND WHERE DIRECTED)	400	SY	\$ 6.00	400	0.00	\$ -	0.00	0.00	\$ -
11	FERTILIZING AND SEEDING (IF AND WHERE DIRECTED)	400	SY	\$ 1.00	400	0.00	\$ -	0.00	0.00	\$ -
12	EROSION CONTROL BLANKET (IF AND WHERE DIRECTED)	400	SY	\$ 11.00	400	0.00	\$ -	0.00	0.00	\$ -
TOTAL										\$ 70,250.09

ORIGINAL CONTRACT AMOUNT		\$266,264.20
CHANGE ORDER NO. 1		\$0.00
ADJUSTED CONTRACT AMOUNT		\$266,264.20
TOTAL COMPLETED TO DATE	\$	70,250.09
RETAINAGE (2% OF COMPLETED WORK)	(-) \$	(1,405.00)
SUBTOTAL	\$	68,845.09
LESS PREVIOUS PAYMENTS:	(-) \$	-
TOTAL AMOUNT DUE:	\$	68,845.09

APPLICATION AND CERTIFICATION FOR PAYMENT

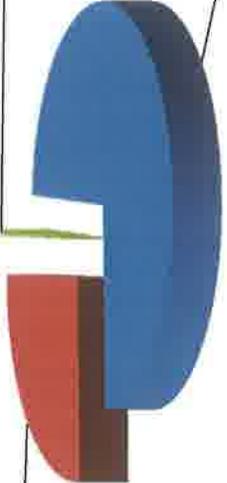
To Owner:

New Providence Borough
 360 Elkwood Avenue, 3rd Floor,
 New Providence NJ 07974,

Application No. One 1
 Period To: 12/30/2016

Net Completed to
 Date, \$68,845.09,
 26%

Retainage,
 \$1,405.00, 0%



Balance to Finish,
 \$196,013.91, 74%

PROJECT Detention Basin Channel Repairs

From Contractor:

HUTTON CONSTRUCTION, LLC
 41 Village Park Road
 Cedar Grove, NJ 07009

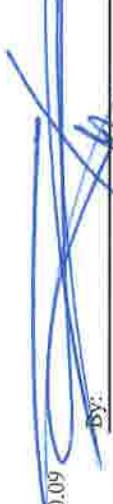
CONTRACTOR'S APPLICATION FOR PAYMENT

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

	To Date	This Period
ORIGINAL CONTRACT SUM	\$266,264.00	
NET CHANGES	\$0.00	
CONTRACT SUM TO DATE (Line 1 & 2)	\$266,264.00	
TOTAL COMPLETED & STORED TO DATE RETAINAGE	\$70,250.09	\$70,250.09
2.00% Retainages	(\$1,405.00)	(\$1,405.00)
TOTAL RETAINAGE	(\$1,405.00)	(\$1,405.00)
TOTAL EARNED LESS RETAINAGE	\$68,845.09	\$68,845.09

The undersigned Contractor entitles that in 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.

CONTRACTOR:

By:  Stephen Recchia
 State of New Jersey, County of Essex
 Member
 Subscribed and sworn to me before this
 Notary Public:

Friday, December 30, 2016

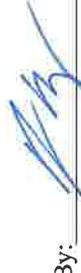
ESTHER RUIZ
 Notary Public
 State of New Jersey
 My Commission Expires Oct. 26, 2020

ENGINEER'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on site observations and the data comprising the application, the Engineer certifies to the Owner that to the best of the Engineer'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: \$68,845.09

ENGINEER:

By:  Date: 1/30/17

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.

LESS PREVIOUS NET BILLINGS	\$0.00
CURRENT PAYMENT DUE	\$68,845.09
BALANCE TO FINISH	\$196,013.91

	AMOUNTS
CONTRACT CHANGE ORDERS	
Total Changes Recorded	
TOTALS	\$0.00

HUTTON CONSTRUCTION, LLC

41 Village Park Road
Cedar Grove, NJ 07009

(973) 857-2501
Project No. 16-177

APPLICATION PERIOD/PERFORMANCE

From 14-Dec-16
To: 30-Dec-16
Days Expired; 29
Pct Expired 32%

New Providence Borough
360 Elkwood Avenue, 3rd Floor,
New Providence NJ 07974,

DETENTION BASIN CHANNEL REPAIRS

Item No.	Description	Item Unit	Unit Quant.	Unit Sched. Value	Scheduled Value Extension	UNITS OF WORK COMPLETED			VALUE OF WORK COMPLETED		
						THIS PERIOD	PREVIOUS PERIOD	TO DATE	THIS PERIOD	PREVIOUS PERIOD	TO DATE

Detention Basin Channel Repairs

1	Soil Erosion And Sediment Control Measures	LS	1.0	\$9,300.00	\$9,300.00	1.00	-	1.00	\$9,300.00	\$0.00	\$9,300.00
2	Clearing Site	LS	1.0	\$21,700.00	\$21,700.00	1.00	-	1.00	\$21,700.00	\$0.00	\$21,700.00
3	Excavation And Grading, Unclassified	LS	1.0	\$93,100.00	\$93,100.00	0.30	-	0.30	\$27,930.00	\$0.00	\$27,930.00
4	Grouted Rip-Rap For Weir Repair (If And Where Directed)	CY	50.0	\$188.00	\$9,400.00	-	-	-	\$0.00	\$0.00	\$0.00
5	Grout For Weir Repair (If And Where Directed)	CY	50.0	\$90.00	\$4,500.00	-	-	-	\$0.00	\$0.00	\$0.00
6	Gabion Channel Lining (Baskets)	CY	742.0	\$121.00	\$89,782.00	68.00	-	68.00	\$8,228.00	\$0.00	\$8,228.00
7	Filter Fabric	SY	2159.0	\$0.80	\$1,727.20	204.00	-	204.00	\$163.20	\$0.00	\$163.20
8	Gabion Stone (Wash And Reuse On-Site Material) (If And Where Directed)	CY	371.0	\$25.00	\$9,275.00	68.00	-	68.00	\$1,700.00	\$0.00	\$1,700.00
9	Gabion Stone (Import) (If And Where Directed)	CY	520.0	\$39.00	\$20,280.00	31.51	-	31.51	\$1,228.89	\$0.00	\$1,228.89
10	Top Soiling, 4" Thick (If And Where Directed)	SY	400.0	\$6.00	\$2,400.00	-	-	-	\$0.00	\$0.00	\$0.00
11	Fertilizing And Seeding (If And Where Directed)	SY	400.0	\$1.00	\$400.00	-	-	-	\$0.00	\$0.00	\$0.00
12	Erosion Control Blanket (If And Where Directed)	SY	400.0	\$11.00	\$4,400.00	-	-	-	\$0.00	\$0.00	\$0.00
TOTALS						26%	0%	26%	\$70,250.09	\$0.00	\$70,250.09

Contractor HUTTON CONSTRUCTION, LLC
 Address 41 VILLAGE PARK ROAD
 CEDAR GROVE, NJ 07009

Project and Location
 DET BASIN CHANNEL

Week Ending 12/27/2016
 Page # 1

54409

DETONATION BASIN CHANNEL REPAIRS

<----- Day and Date ----->

Employee Information	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Total	Hourly Pay Rate	Work Classification	Hourly Pringe Benefits	Hourly Total Pay	
	12/21	12/22	12/23	12/24	12/25	12/26	12/27	Hours					
RBCCHIA, DYLAN XXX-XX-3220 S 0	8.00	8.00	8.00					24.00	44.570	OPERATOR CLASS C	30.03	75.20	
Job Earn:				280.43		59.70	Local/SDI		0.00	Oth Deds:	113.92	Adj Net	0.00
Tot Earn:	1,490.24	Tot Hrs:	32.00	Tot Deds:	508.05	Un Vac:	0.00	Benefit:	016.16	Un Misc:	113.92	Un Dues:	0.00
									0.00		0.00	0.00	0.00
									0.00		0.00	0.00	0.00
DALLING, STEVEN XXX-XX-5029 M 0	8.00	8.00	8.00					40.00	48.070	A CLASS OPERATOR	30.03	78.70	
Job Earn:				296.96		63.52	Local/SDI		0.00	Oth Deds:	147.20	Adj Net	0.00
Tot Earn:	2,002.80	Tot Hrs:	40.00	Tot Deds:	40.00	Un Vac:	0.00	Benefit:	1,145.20	Un Misc:	147.20	Un Dues:	0.00
									0.00		0.00	0.00	0.00
									0.00		0.00	0.00	0.00
SERRANO, JORJE, JR. XXX-XX-5909 S 2	8.00	8.00	8.00					32.00	37.600	HEAVY HGWY LABORER	27.78	65.38	
Job Earn:				277.42		67.07	Local/SDI		0.00	Oth Deds:	287.60	Adj Net	0.00
Tot Earn:	1,634.00	Tot Hrs:	40.00	Tot Deds:	757.00	Un Vac:	0.00	Benefit:	981.20	Un Misc:	37.00	Un Dues:	0.00
									0.00	Child	0.00	0.00	0.00
									0.00		0.00	0.00	0.00
SANTOS, SALVADOR XXX-XX-0483 M 3	8.00	8.00	8.00					32.00	39.850	PIPE LAYER FOREMAN	27.78	67.63	
Job Earn:				413.85		140.63	Local/SDI		0.00	Oth Deds:	0.00	Adj Net	0.00
Tot Earn:	2,704.00	Tot Hrs:	40.00	Tot Deds:	701.34	Un Vac:	0.00	Benefit:	0.00	Un Misc:	0.00	Un Dues:	0.00
									0.00		0.00	0.00	0.00
									0.00		0.00	0.00	0.00

Date 12/30/2016

1. S. RECCHIA, PR CLERK
do hereby state and certify:

(1) That I pay or supervise the payment of the persons employed by HUTTON CONSTRUCTION, LLC on the DET BASIN CHANNEL that during the payroll period commencing on the 21 day of December, 2016 and ending the 27 day of December, 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 HUTTON CONSTRUCTION, LLC 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 the New Jersey Prevailing Wage Act, N.J.S.A. 34:11-30.25 et seq. and Regulation N.J.A.C. 12:60 et seq. and the Payment of Wages Law, N.J.S.A. 34:11-4.1 et seq.

(2) That any payrolls otherwise tender 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 apprentice employee in the above period are duly registered in good standing, in an apprenticeship program approved or certified by the Division of Vocational Education in the New Jersey Department of Education or by the Bureau of Apprenticeship Training in the 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, payment of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employee, 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) Fringe Benefits:

Exceptions (Craft)

Remark:

PLEASE SPECIFY THE TYPE OF BENEFIT PROVIDED AND NOTE THE TOTAL COST PER HOUR IN BLOCK 10 ON THE REVERSE SIDE. †

- 1) Medical or hospital coverage _____
- 2) Dental coverage _____
- 3) Pension or Retirement _____
- 4) Vacation _____
- 5) Holiday: _____
- 6) Sick days: _____
- 7) Life Insurance _____
- 8) Other (Explain) _____

† TO CALCULATE THE COST PER HOUR, DIVIDE 1,743 HOURS INTO THE BENEFIT COST PER YEAR PER EMPLOYEE

(5) N.J.A.C. 12:60-2.1 and 6.1 The Public Works employer shall submit to the public body or bodies a certified payroll record each pay period.

Contractor Registration Number: 344031

S. RECCHIA, PR CLERK

THE FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OF THIS CONTRACT TO CIVIL OR CRIMINAL PROSECUTION, N.J.S.A. 34:11-56.25 ET SEQ. AND N.J.A.C. 12:60 ET SEQ. AND N.J.S.A. 34:11-4.1 ET SEQ.

Contractor: HUTTON CONSTRUCTION, LLC
 Address: 41 VILLAGE PARK ROAD
 CEDAR GROVE, NJ 07009

Project and Location
 DBT BASIN CHANNEL

Week Ending 12/20/2010
 Page # 1

54400

DETENTION BASIN CHANNEL REPAIRS

Employee Information	Day and Date							Total Hours	Hourly Pay Rate	Work Classification	Hourly Fringe Benefits	Hourly Total Pay
	Wed 12/14	Thu 12/15	Fri 12/16	Sat 12/17	Sun 12/18	Mon 12/19	Tue 12/20					
RECCIA, DYLAN XXX-XX-3220 S 0							4.00	4.00	8.00	44.570 OPERATOR CLASS C	30.03	75.20
Job Estm: 372.50							80.04 Local/SDI			0.00 Oth Deds:	145.07 Adj Net	300.00
Tot Estm: 1,022.20							1,153.02 Un Misc:			145.07 Un Dues:	0.00 Net Pay:	1,447.94
										0.00	0.00	0.00
AFONSO, MANUEL XXX-XX-4045 M 4							8.00	8.00	16.00	38.300 PIPE LAYER HEAVY GENERALIST		00.08
Job Estm: 664.80							43.50 Local/SDI			0.00 Oth Deds:	200.25 Adj Net	300.00
Tot Estm: 1,753.00							1,018.02 Un Misc:			24.00 Un Dues:	40.47 Net Pay:	1,501.38
										0.00	0.00	0.00
DALLING, STEVEN XXX-XX-5020 M 0							8.00	8.00	16.00	48.070 A CLASS OPERATOR	30.03	78.70
Job Estm: 801.12							63.52 Local/SDI			0.00 Oth Deds:	147.30 Adj Net	300.00
Tot Estm: 2,002.80							1,145.20 Un Misc:			147.30 Un Dues:	0.00 Net Pay:	1,041.81
										0.00	0.00	0.00
SERRANO, JORJE, JR. XXX-XX-5000 S 2							8.00	8.00	16.00	37.600 HEAVY HGWY LABORER	27.78	05.38
Job Estm: 653.60							49.40 Local/SDI			0.00 Oth Deds:	254.54 Adj Net	300.00
Tot Estm: 1,300.85							809.40 Un Misc:			19.80 Un Dues:	31.40 Net Pay:	1,047.71
							Child			00.00	0.00	0.00
SANTOS, SALVADOR XXX-XX-0483 M 3							8.00	8.00	16.00	39.850 PIPE LAYER FOREMAN	27.78	07.03

Date 12/30/2016

I, S. RECCHIA, PR CLERK
do hereby state and certify:

(1) That I pay or supervise the payment of the persons employed by HUTTON CONSTRUCTION, LLC on the 21 day of December, 2016 that during the payroll period commencing on the 27 day of December, 2016 and ending the 27 day of December, 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 HUTTON CONSTRUCTION, LLC 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 the New Jersey Prevailing Wage Act, N.J.S.A. 34:11-56.25 et seq. and Regulation N.J.A.C. 12:60 et seq. and the Payment of Wages Law, N.J.S.A. 34:11-4.1 et seq.

(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 good standing, in an apprenticeship program approved or certified by the Division of Vocational Education in the New Jersey Department of Education or by the Bureau of Apprenticeship Training in the 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) Fringe Benefits

Exception (Craft)

Remarks

PLEASE SPECIFY THE TYPE OF BENEFIT PROVIDED AND NOTE THE TOTAL COST PER HOUR IN BLOCK 10 ON THE REVERSE SIDE *

- 1) Medical or hospital coverage —
- 2) Dental coverage —
- 3) Pension or Retirement —
- 4) Vacation —
- 5) Holidays —
- 6) Sick days —
- 7) Life Insurance —
- 8) Other (Explain) —

* TO CALCULATE THE COST PER HOUR, DIVIDE 1,743 HOURS INTO THE BENEFIT COST PER YEAR PER EMPLOYEE.

(5) N.J.A.C. 12:60-2.1 and 6.1 The Public Employees' Compensation Act, which prohibits the public employer from certifying payroll record each pay period to the public employees' wages.

Contractor Registration Number 54409

S. RECCHIA, PR CLERK

THE FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OF SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. N.J.S.A. 34:11-56.25 ET SEQ. AND N.J.A.C. 12:60 ET SEQ. AND N.J.S.A. 34:11-4.1 ET SEQ.