

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2017-123

Council Meeting Date: 04-24-2017

Date Adopted: 04-24-2017

TITLE: RESOLUTION APPROVING PARTIAL PAYMENT # 2 FOR A A BERMS, LLC IN THE AMOUNT OF \$51,787.85 FOR THE PROJECT COMMONLY KNOWN AS "2016 SIDEWALK PROGRAM"

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

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 # 2 to A A Berms, LLC, 106 Mill Street, Belleville, N.J. 01709, in the amounts of \$51,787.85 for the project commonly known as "2016 Sidewalk Program".

APPROVED, this 24th day of April, 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 24th day of April, 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: April 18, 2017

RE: **2016 Sidewalk Program**
Progress Payment #2 & Change Order # 1
Maser Project No. NPT-569

AA Berms, LLC, the contractor for the above referenced project, has requested Progress Payment No. 2(Final) & Change Order #1. Our office has been monitoring construction and as-built quantities for throughout the project. We find that the contractor has installed the improvement in substantial conformance with the plans and specifications.

Attached, please find the following:

- Progress Payment No. 2 (Final) and Change Order #1, dated 4/17/2017, prepared by Maser Consulting;
- AIA Payment Certificate, prepared by AA Berms, LLC and signed and sealed by Maser Consulting, dated 4/18/2017;
- AA Berms, LLC Continuation Sheet dated 3/21/2017;
- Certified Payrolls for Weeks Ending 3/12/17, 3/26/17, & 4/2/17, 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
<u>Change Order #1</u>	<u>(-) \$1,309.20</u>
Total Cost of Work Completed	\$98,000.00
Less 20% Retainage	(-) \$19,600.00
<u>Amount Previously Paid</u>	<u>(-) \$26,612.15</u>
Progress Payment No. 2	\$51,787.85

Change Order No. 1 reflects a decrease in the overall project cost in the amount of \$1,309.20 or a -1.32% decrease from the awarded contract amount of \$99,309.20. The reduced contract

amount is due to the decrease in the number of detectable warning surfaces needed, and lack of excavation and removal of sidewalk.

I hereby recommend the Mayor and Council approve Progress Payment No. 2 (Final) in the amount of **\$51,787.85** to AA Berms, LLC.

The project has been completed. Once the contractor has provided a two year maintenance bond in the amount of \$14,700.00 to our office for review and approval, we will recommend the release of the project retainage.

P:\NPT\NPT-569\Correspondence\OUT\170418_Progress Payment No. 2(Final).Doc

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
 Mount Arlington, NJ

PROJECT: 2016 SIDEWALK PROGRAM
APPLICATION #: 2
PERIOD TO: 03/21/17
PROJECT NOS: NPT569
CONTRACT DATE: September 26, 2016
Distribution to:
 Owner
 Const. Mgr
 Architect
 Contractor
 Engineer

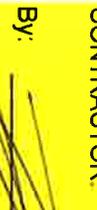
CONTRACTOR'S APPLICATION FOR PAYMENT

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----- \$ 99,309.20
3. CONTRACT SUM TO DATE (Line 1 +/- 2) \$ 98,000.00
4. TOTAL COMPLETED & STORED TO DATE-\$
5. RETAINAGE: 20%
 (Column G on Continuation Sheet)
 a. 20% of Completed Work \$ 19,600.00
 (Columns D+E on Continuation Sheet)
 b. _____ of Stored Material \$ _____
 (Column F on Continuation Sheet)
 Total Retainage (Line 5a + 5b or Total in Column 1 of Continuation Sheet)----- \$ 1,960.00
6. TOTAL EARNED LESS RETAINAGE----- \$ 96,040.00
 (Line 4 less Line 5 Total)
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT
 (Line 6 from prior Certificate)----- \$ 26,612.15
8. CURRENT PAYMENT DUE----- \$ 69,427.86
9. BALANCE TO FINISH, INCLUDING RETAINAGE
 (Line 3 less Line 6) \$ 3,269.20

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

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:  Date: 4-5-17
 State of: New Jersey
 County of: Sussex
 Subscribed and sworn to before me this 5 day of April, 2017
 Notary Public: Eleanor Farese
 My Commission expires: 8/17/2019
ELEANOR FARESE
 NOTARY PUBLIC
 ID # 2061545
 MY COMMISSION EXPIRES AUGUST 17, 2019

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----- \$ 51,787.85
 (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:  Date: 4/18/17
 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 of Contractor under this Contract.



CONTINUATION SHEET

ATTACHMENT TO PAY APPLICATION

APPLICATION NUMBER: 1

PROJECT:
2016 SIDEWALK PROGRAM

APPLICATION DATE: 22-Mar-17
PERIOD TO: 21-Mar-17

ARCHITECT'S PROJECT NO: NPT569

A Item No.	B Description of Work	C Scheduled Value	D Work Completed		E This Period	F Materials Presently Stored (Not In D or E)	G Total Completed And Stored To Date (D + E + F)	H Balance To Finish (C - G)	I Retainage	
			From Previous Application (D + E)							
1	EXCAVATION, UNCLASSIFIED	\$2.00					\$ -	\$ 2	\$ -	
2	CONCRETE SIDEWALK, 4" THICK	\$83,700.00	\$27,155.25	\$56,544.75			\$ 83,700	\$ -	\$ 1,674	
3	REMOVAL OF EXISTING SIDEWALK ADA CURB RAMP, WITH DETECTABLE WARNING SURFACE	\$7.20					\$ -	\$ 7	\$ -	
4		\$15,600.00		\$14,300.00			\$ 14,300	\$ 1,300	\$ 286	
5							\$ -	\$ -	\$ -	
6							\$ -	\$ -	\$ -	
7							\$ -	\$ -	\$ -	
8							\$ -	\$ -	\$ -	
9							\$ -	\$ -	\$ -	
10							\$ -	\$ -	\$ -	
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21							\$ -	\$ -	\$ -	
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23							\$ -	\$ -	\$ -	
24							\$ -	\$ -	\$ -	
SUBTOTALS PAGE 2		\$99,309.20	\$27,155.25	\$70,844.75			\$98,000.00	98.68%	\$1,309.20	\$1,960.00

CONTINUATION SHEET

AA Bernis LLC

Contractor's signed certification is attached.
In tabulations below, amounts are stated to the nearest dollar.

2016 Sidewalk Program
New Providence

APPLICATION: 2
PERIOD FROM: 11/28/2016
PERIOD TO: 3/21/2017

A Schedule ID.	B DESCRIPTION OF WORK	C CONTRACT QUANTITY	D UNIT PRICE	E CONTRACT AMOUNT	F PREVIOUS QUANTITY	G QUANTITY THIS PERIOD	H QUANTITY TO DATE	I AMOUNT THIS ESTIMATE	J AMOUNT To Date	K PERCENT COMPLETE	L RETAINAGE 0.02
1	Excavation Unclassified (If & Where Directed)	200	0.01	2.00	0.0		0.0	-	-	0%	-
2	Concrete Sidewalk, 4" Thick (If/Where Directed)	1,240	67.50	83,700.00	402.3	837.700	1,240.0	56,544.75	83,700.00	100%	1,674.00
3	Removal of Existing Sidewalk (If/Where Directed)	720	0.01	7.20	0.0		0.0	-	-	0%	-
4	ADA Curb Ramp W/ Detectable Warning Surface (If/Where Directed)	12	1,300.00	15,600.00	0.0	11.00	11.0	14,300.00	14,300.00	92%	286.00
5				-	0.0		0.0	-	-		-
				Paid To Date 99,309.20				70,844.75	98,000.00	48%	1,960.00
				Retainage 2%				1,416.90	1,960.00		
				Grand Total				69,427.86	96,040.00		