

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2017-199

Council Meeting Date: 07-17-2017

Date Adopted: 07-17-2017

TITLE: RESOLUTION APPROVING PARTIAL PAYMENT # 3 FOR CMS CONTRACTING, INC., IN THE AMOUNT OF \$68,306.00 FOR THE PROJECT COMMONLY KNOWN AS "WASTEWATER TREATMENT PLANT GARAGE PROJECT"

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 # 3 to CMS Contracting, Inc., 521 North Avenue, Plainfield, N.J. 07060, in the amounts of \$68,306.00 for the project commonly known as "Wastewater Treatment Plant Garage Project".

APPROVED, this 17th day of July, 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 17th day of July, 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: June 30, 2017

RE: **Progress Payment No. 3**
Wastewater Treatment Plant Garage Project
MC Project No. NPT-570

With reference to the above captioned project, I hereby transmit Progress Payment No. 3 for approval by Resolution of the Mayor and Council.

Attached, please find the following:

- Progress Payment No. 3, dated 6/20/2017, prepared by Maser Consulting, consisting of one (1) page;
- Pay Estimation No. #3, prepared by CMS Construction, dated 6/13/2017;
- Application and Certification for Payment, prepared by CMS Construction, dated June 21, 2017 and certified by Maser Consulting, dated 6/30/17, consisting of two (2) pages; and
- Two copies of Certified Payroll Certificates Weeks Ending 5/26, 6/2, 6/9 prepared by CMS Construction, consisting of 7 pages.

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

<u>Original Contract Amount</u>	\$ 190,500.00
Total Cost of Work Completed	\$164,600.00
Less 2% Retainage	(-) \$3,292.00
<u>Amount Previously Paid</u>	(-) \$93,002.00
Payment Amount	\$68,306.00

I hereby recommend the Mayor and Council approve Progress Payment No. 3 in the amount of **\$68,306.00** to CMS Construction.

P:\NPT\NPT-570\Correspondence\OUT\170630_NPT570_Wastewater Treatment Plant Garage Project_Progress Payment No. 3.Doc



BOROUGH OF NEW PROVIDENCE
 WWTP Garage
 CMS CONSTRUCTION
 521 NORTH AVENUE
 PLAINFIELD, NJ 07060

PROGRESS PAYMENT NO. #3
 PROJECT NO. NPT-570
 PERIOD ISSUED - 6/13/2017
 DATE ISSUED: 6/20/2017

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 'A' - Masonry Building										
1A	SPLIT FACE CMU BUILDING	1	LS	\$ 128,000.00	1	0.40	\$ 51,200.00	0.55	0.95	\$ 121,600.00
2A	GEOTECHNICAL INVESTIGATION AND FOUNDATION DESIGN (AS REQUIRED)	1	LS	\$ 18,000.00	1	0.00	\$ -	1.00	1.00	\$ 18,000.00
3A	VARIOUS SITE IMPROVEMENTS (AS REQUIRED)	1	LS	\$ 10,000.00	1	0.20	\$ 2,000.00	0.65	0.85	\$ 8,500.00
TOTAL				\$ 156,000.00			\$ 53,200.00			\$ 148,100.00
Alternate Bid 'A' - Concrete Slab										
1AA	6" THICK FIBER REINFORCED CONCRETE PAD (ADDITIONAL COST IN LIEU OF NO. 57 STONE PAD)	1	LS	\$ 15,000.00	1	1.00	\$ 15,000.00	0.00	1.00	\$ 15,000.00
TOTAL				\$ 15,000.00			\$ 15,000.00			\$ 15,000.00
Alternate Bid 'B' - Insulated Roof and Heating System										
1BB	INSTALLATION OF NATURAL GAS POWERED INFRARED HEATING SYSTEM	1	LS	\$ 12,000.00	1	0.00	\$ -	0.00	0.00	\$ -
2BB	INSULATION OF ROOF	1	LS	\$ 7,500.00	1	0.20	\$ 1,500.00	0.00	0.20	\$ 1,500.00
TOTAL				\$ 19,500.00			\$ 1,500.00			\$ 1,500.00

ORIGINAL CONTRACT AMOUNT	\$190,500.00
CHANGE ORDER NO. 1	\$0.00
ADJUSTED CONTRACT AMOUNT	\$190,500.00
TOTAL COMPLETED TO DATE	\$ 164,600.00
RETAINAGE (2% OF COMPLETED WORK)	(-) \$ (3,292.00)
SUBTOTAL	\$ 161,308.00
LESS PREVIOUS PAYMENTS:	(-) \$ (93,002.00)
TOTAL AMOUNT DUE:	\$ 68,306.00

APPLICATION AND CERTIFICATE FOR PAYMENT

AIA DOCUMENT G702/Cma (Instructions on reverse side)

CONSTRUCTION MANAGER-ADVISOR EDITION

PAGE 1 OF 2

TO OWNER

Monmouth of New Providence
760 Ellwood Avenue
New Providence, NJ 07974

FROM CONTRACTOR

CMS Construction Inc.
221 North Avenue
Plainfield, NJ 07060

CONTRACT FOR:

Water Treatment Plant
Garage Project

PROJECT:

Water Treatment Plant
Garage Project

APPLICATION NUMBER: 3

PERIOD TO: 06/30/17

PROJECT NOS.:

CONTRACT DATE:

VIA CONSTRUCTION MANAGER: Master Consulting

VIA ARCHITECT:

Distribution to:
OWNER
CONSTRUCTION
MANAGER
ARCHITECT
CONTRACTOR

CONTRACTOR'S APPLICATION FOR PAYMENT

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

- ORIGINAL CONTRACT SUM** \$190,500.00
- Net Change By Change Orders** \$0.00
- CONTRACT SUM TO DATE** (Line 1 +2) \$190,500.00
- TOTAL COMPLETED & STORED TO DATE** (Column G on G703) \$164,600.00

- RETAINAGE:**
 - 2% % of Completed Work \$3,292.00
(Columns D & E on G703)
 - 0% % of Stored Material \$0.00
(Column F on G703)

Total Retainage (Line 5a + 5b or Total in Column I of G703) \$3,292.00

- TOTAL EARNED LESS RETAINAGE** (Line 4 less Line 5 Total) \$161,308.00

- LESS PREVIOUS CERTIFICATES FOR PAYMENT** (Line 6 from prior Certificate) \$83,062.00

- CURRENT PAYMENT DUE** \$88,306.00

- BALANCE TO FINISH, INCLUDING RETAINAGE** (Line 3 less Line 6) \$ 29,192.00

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner		
Total Approved this Month	\$0.00	\$0.00
TOTALS	\$0.00	\$0.00
NET CHANGES by Change Order		\$0.00

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.

Carlos Dasilva President

State of New Jersey County of: Middlesex
Subscribed and sworn to before me this 24 day of June 2017
Notary Public: [Signature]
My Commission Expires: [Signature]

CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Construction Manager certifies that to the best of his 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..... \$ 68,306.00

(Attach explanation of amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that changed to conform to the amount certified.)

CONSTRUCTION MGR: [Signature] Date: 06/21/2017
ARCHITECT: E. McNEEL Date: 6/30/17

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.

LEANDRO CASADOR
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 1/20/2020

PROJECT NAME & NUMBER:

Waste Water Treatment Plant Garage Building

AIA Document G703, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contract's signed Certification is attached.

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

Use Green for contracts where various retainage for the line items may apply.

Application # 3
Application Date 6/13/2017

Period From: Period To:

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIAL STORED THIS PERIOD	G TOTAL COMP. STORED TO DATE (D+E+F)	H BALANCE TO FINISH	I RETAINAGE
			PREVIOUS APPLICATION	PERCENT					
Base 'A' - Masonry Building									
1A	Split Face CMU Building	\$128,000.00	\$70,400.00	\$51,200.00			\$121,600.00	\$6,400.00	
2A	Geotechnical Investigation and Foundation Design (As Required)	\$18,000.00	\$18,000.00				\$18,000.00		
3A	Various Site Improvements (As Required)	\$10,000.00	\$6,500.00	\$2,000.00			\$8,500.00	\$1,500.00	
Alternate 'A' - Concrete Slab									
1A	6" Thick Fiber Reinforced Concrete Pad (Additional Cost in Lieu of No. 57 Stone Pad)	\$15,000.00		\$15,000.00			\$15,000.00		
Alternate 'B' - Insulated Roof and Heating System									
1BB	Installation of Natural Gas Powered Infrared Heating	\$12,000.00						\$12,000.00	
2BB	Insulation of Roof	\$7,500.00		\$1,500.00			\$1,500.00	\$6,000.00	
TOTALS		\$190,500.00	\$94,900.00	\$69,700.00	\$0.00	\$164,600.00	\$86.40%	\$25,900.00	\$3,292.00

Payment Estimation No. 3

CMS CONSTRUCTION INC
 521 North Avenue
 Plainfield, NJ 07060
 PHONE 973-277-2399 973-297-0045
 FAX 973-718-4005



CONTACT CARLOS DASILVA
 EMAIL carlosros5@aol.com

Work performed and Material Furnished Through:

TO: Union County

Date Submitted: 6/13/2017
 Open as of: 6/13/2017
 Version: 1

RE: New Providence Garage

Item	Description	UNIT	Qty	UNIT PRICE	Amount	Prev. Billed	Invoice #3	Complete	Amount	Payable	Amount Due	Amt Complete
Base 'A' - Masonry Building												
1A	Split Face CMU Building	LS	1	\$ 128,000.00	\$ 128,000.00	55%	40%	95%	\$ 51,200.00	100%	\$ 51,200.00	\$ 121,600.00
2A	Geotechnical Investigation and Foundation Design (As Required)	LS	1	\$ 18,000.00	\$ 18,000.00	100%		100%				\$ 18,000.00
3A	Various Site Improvements (As Required)	LS	1	\$ 10,000.00	\$ 10,000.00	65%	20%	85%	\$ 2,000.00	100%	\$ 2,000.00	\$ 8,500.00
Alternate 'A' - Concrete Slab												
1AA	6" Thick Fiber Reinforced Concrete Pad (Additional Cost in Lieu of No. 57 Stone Pad)	LS	1	\$ 15,000.00	\$ 15,000.00		100%	100%	\$ 15,000.00	100%	\$ 15,000.00	\$ 15,000.00
Alternate 'B' - Insulated Roof and Heating System												
1BB	Installation of Natural Gas Powered Infrared Heating System	LS	1	\$ 12,000.00	\$ 12,000.00							
2BB	Insulation of Roof	LS	1	\$ 7,500.00	\$ 7,500.00		20%	20%	\$ 1,500.00	100%	\$ 1,500.00	\$ 1,500.00

TOTAL CONTRACT AMOUNT	\$	190,500.00
Total Work Completed	\$	164,600.00
Total Work Completed This Period	\$	69,700.00
2% Retainage To Date	\$	3,292.00
Previous Payments	\$	\$93,002.00
Total Payment Due This Period	\$	68,306.00

Date JUNE 20 2017

I, MARIA PEREIRA

(Name of signatory party)

TREASURY

(Title)

do hereby state and certify:

(1) That I pay or supervise the payment of the persons employed by CMS CONSTRUCTION INC.
CONTRACTOR on the Wastewater Treatment Plant Proposed Garage

(Contractor or Subcontractor)

that during the payroll period beginning on 05/29/2017, and ending on 06/02/2017, all persons employed

(Date)

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 CONTRACTOR

(Contractor or 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 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 with the United States Department of Labor, Bureau of Apprenticeship and Training and enrolled in a certified apprenticeship program.

(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 when due 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

EXCEPTIONS (CRAFT)
REMARKS
PLEASE SPECIFY THE TYPE OF BENEFIT PROVIDED AND NOTE THE TOTAL COST PER HOUR IN BLOCK 9 ON THE REVERSE SIDE*
1) Medical or hospital coverage <input checked="" type="checkbox"/>
2) Dental coverage <input type="checkbox"/>
3) Pension or Retirement <input type="checkbox"/>
4) Vacation, Holidays <input checked="" type="checkbox"/>
5) Sick days <input checked="" type="checkbox"/>
6) Life Insurance <input type="checkbox"/>
7) Other (Explain) <input type="checkbox"/>
* TO CALCULATE THE COST PER HOUR, DIVIDE 2,000 HOURS INTO THE BENEFIT COST PER YEAR PER EMPLOYEE.

(5) N.J.S.A. 12:60-2.1 and 6.1 - The Public Works employers shall submit to the public body or lessor a certified payroll record each pay period within 10 days of the payment of wages.

NAME AND TITLE <u>MARIA PEREIRA TREASURY</u>
SIGNATURE
THE FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR 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.

PAYROLL CERTIFICATION FOR PUBLIC WORKS PROJECTS
 (for Contractor and Subcontractor's Use for Weekly and Final Certification)
 (N.J.A.C. 12:60-2.1 and 6.1)



NAME OF CONTRACTOR <input checked="" type="checkbox"/> OR SUBCONTRACTOR <input type="checkbox"/>		ADDRESS		DATE WAGES DUE	DATE WAGES PAID														
CMS CONSTRUCTION INC.		521 NORTH AVE PLAINFIELD NJ 07060		06/05/2017	06/09/2017														
PAYROLL NO.	WEEK ENDING OR FINAL CERTIFICATION	PROJECT NAME AND LOCATION							CONTRACTOR REGISTRATION NUMBER										
		Wastewater Treatment Plant Proposed Garage							0715444										
1. NAME AND ADDRESS OF EMPLOYEE	2. WORK CLASSIFICATION	3. DAY AND DATE							6. GROSS AMOUNT EARNED	7. DEDUCTIONS				9. Total Fringe Benefit Cost/Hr.					
		SUN	MON	TUE	WED	THU	FRI	SAT		With- holding Tax	FICA	SIT	SUI		DIS	Total Deduct- ions	8. NET WAGES PAID FOR WEEK		
		HOURS WORKED EACH DAY							Total for Week										
Antonio V Debarros 8 Troy Driver St Springfield NJ 07081	Heavy General Labor	5	8	8	8	8	8	8	40	1,470.00	216.00	112.45	54.52	6.25	5.00	394.22	1,075.78	27.28	
Merlin Cerdas- Fallas 50 Robert St Wharton NJ 07885	Heavy General Labor		8	8	8	8	1		33	1,235.85	131.00	94.53	24.19	5.25	4.20	259.17	976.68	27.28	
Evaldo Ferreira 08 Goble St Newark NJ 07105	Heavy General Labor	8	8	8	8	8			32	1,198.40	207.00	91.67	41.47	5.09	4.08	349.31	849.09	27.28	

Questions? Please contact the Division of Wage and Hour Compliance at (609) 292-2259 or (609) 292-2283.
SUBMIT TO PUBLIC BODY OR LESSOR

