

**RESOLUTION**  
of the  
**BOROUGH OF NEW PROVIDENCE**  
Resolution No. 2017-271

Council Meeting Date: 11-13-2017

Date Adopted: 11-13-2017

TITLE: RESOLUTION APPROVING FINAL PAYMENT FOR A A BERMS, LLC IN THE AMOUNT OF \$55,213.44 FOR THE PROJECT COMMONLY KNOWN AS "2017 SIDEWALK PROGRAM"

Councilperson Madden 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 final payment to A A Berms, LLC, 106 Mill Street, Belleville, N.J. 01709, in the amounts of \$55,213.44 for the project commonly known as "2017 Sidewalk Program".

APPROVED, this 13th day of November, 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 13th day of November, 2017.

Wendi B. Barry, Borough Clerk

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**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

Date: November 6, 2017

RE: **2017 Sidewalk Program**  
**Progress Payment No. 2 - Final**  
**MC Project No. NPT-588**

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With reference to the above-captioned project, I hereby transmit Progress Payment No. 2 for approval by Resolution of the Mayor and Council. Attached, please find the following:

- Progress Payment No. 2 – Final, dated 11/6/2017, prepared by Maser Consulting, consisting of one (1) page;
- Change Order No. 2, dated 11/6/17, prepared by Maser Consulting;
- Application and Certificate for Payment, prepared by AA Berms, LLC, certified by Maser Consulting November 6, 2017, consisting of two (2) pages;
- Certified Payroll Certificates weeks ending 9/17, 9/24, 10/1, 10/8, 10/15 and 10/22, prepared by AA Berms, LLC, consisting of twelve (12) pages; and
- Maintenance Bond, dated 11/1/17, prepared by Bondex Insurance Company, consisting of two (2) pages.

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

Original Contract Amount	\$ 88,005.40
Change Order No. 1	\$ 16, 964.75
Change Order No. 2	(-) \$ 5,035.09
<u>Adjusted Contract Amount</u>	<u>\$ 99,935.06</u>
Total Cost of Work Completed	\$ 99,935.06
<u>Amount Billed Previously</u>	<u>(-) \$44,721.62</u>
<b>Amount Due</b>	<b>\$ 55,213.44</b>

I hereby recommend the Mayor and Council approve Progress Payment No. 2 in the amount of **\$55,213.44** to AA Berms, LLC.

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**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: 2017 SIDEWALK PROGRAM

PROJECT: 2017 SIDEWALK PROGRAM  
  
 VIA ARCHITECT/ENGINEER:  
 Maser Consulting PA  
 400 Valley Road  
 Suite 304  
 Mount Arlington, NJ

APPLICATION #: 1  
 PERIOD TO: 10/27/17  
 PROJECT NOS: NPT588  
  
 CONTRACT DATE:  
 August 3, 2017

<input checked="" type="checkbox"/>	Owner
<input type="checkbox"/>	Const. Mgr
<input type="checkbox"/>	Architect
<input checked="" type="checkbox"/>	Contractor
<input checked="" type="checkbox"/>	Engineer

**CONTRACTOR'S APPLICATION FOR PAYMENT**

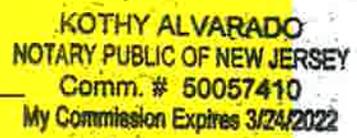
Application is made for payment, as shown below, in connection with the Contract.  
 Continuation Sheet is attached.

1. ORIGINAL CONTRACT SUM-----	\$	88,005.40
2. Net change by Change Orders-----	\$	11,929.66
3. CONTRACT SUM TO DATE (Line 1 +/- 2)	\$	99,935.06
4. TOTAL COMPLETED & STORED TO DATE-\$ (Column G on Continuation Sheet)		99,935.06
<b>5. RETAINAGE:</b>		
a. _____ of Completed Work (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-----)	\$	
6. TOTAL EARNED LESS RETAINAGE----- (Line 4 less Line 5 Total)	\$	99,935.06
<b>7. LESS PREVIOUS CERTIFICATES FOR PAYMENT</b> (Line 6 from prior Certificate)-----		
	\$	44,721.62
8. CURRENT PAYMENT DUE-----	\$	55,213.44
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 4)	\$	0.00

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: AA Berms LLC  
 By: Juan Alvarado Date: 10-31-17  
 State of: New Jersey  
 County of: Essex  
 Subscribed and sworn to before me this 31<sup>st</sup> day of October  
 Notary Public: Kathy E Alvarado  
 My Commission expires: 3-24-2022



**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 ----- \$ 55,213.44  
 (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: MICHAEL O'KREARY Date: 11/6/17  
 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  
 PROJECT:  
 2017 SIDEWALK PROGRAM

APPLICATION NUMBER: 1  
 APPLICATION DATE: 31-Oct-17  
 PERIOD TO: 27-Oct-17  
 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	Police Traffic Director (If & Where)	\$ 4,200.00				\$ -		\$ 4,200.00	\$ -
2	Excavation, Unclassified (If & Where)	\$ 1.05				\$ -		\$ 1.05	\$ -
3	Hot Mix Asphalt Driveway 6" Thick	\$ 4,050.00				\$ -		\$ 4,050.00	\$ -
4	Concrete Sidewalk, 4" Thick	\$ 60,900.00	50,895.00	41,271.35		\$ 92,166	151%	\$(31,266.35)	\$ -
5	Reinforced Concrete Sidewalk or Apron 6" Thick	\$ 7,125.00	-	-		\$ -		\$ 7,125.00	\$ -
6	Removal of Existing Sidewalk	\$ 9.35	7.02	5.69		\$ 13	136%	\$ (3.36)	\$ -
7	New ADA Curb Ramp, with Detectable Warning	\$ 2,500.00	2,500.00	2,500.00		\$ 5,000	200%	\$ (2,500.00)	\$ -
8	Replace if ADA Curb Ramp, with Detectable Warning	\$ 2,500.00	2,500.00	-		\$ 2,500	100%	\$ -	\$ -
9	9" x 18" Concrete Vertical Curb (With 2' Full Depth)	\$ 6,720.00		\$256.00		\$ 256	4%	\$ 6,464.00	\$ -
10						\$ -		\$ -	\$ -
11						\$ -		\$ -	\$ -
12						\$ -		\$ -	\$ -
13						\$ -		\$ -	\$ -
14						\$ -		\$ -	\$ -
	<b>SUBTOTALS PAGE 2</b>	<b>\$88,005.40</b>	<b>\$55,902.02</b>	<b>\$44,033.04</b>		<b>\$99,935.06</b>	<b>113.56%</b>	<b>\$(11,929.66)</b>	