

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2017-281

Council Meeting Date: 11-13-2017

Date Adopted: 11-13-2017

TITLE: RESOLUTION APPROVING PARTIAL PAYMENT #4 FOR CMS CONTRACTING, INC., IN THE AMOUNT OF \$20,735.75 FOR THE PROJECT COMMONLY KNOWN AS "WASTEWATER TREATMENT PLANT GARAGE PROJECT"

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 partial payment # 4 to CMS Contracting, Inc., 521 North Avenue, Plainfield, N.J. 07060, in the amounts of \$20,735.75 for the project commonly known as "Wastewater Treatment Plant Garage Project".

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

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: November 8, 2017

RE: **Progress Payment No. 4 & Change Order No. 1-Revised**
Wastewater Treatment Plant Garage Project
MC Project No. NPT-570

With reference to the above captioned project, I hereby transmit Progress Payment No. 4 (Final) & Change Order No. 1 for approval by Resolution of the Mayor and Council.

Attached, please find the following:

- Progress Payment No. 4, dated 11/8/2017, prepared by Maser Consulting, consisting of one (1) page;
- Pay Estimation No. 4, prepared by CMS Construction, dated 10/18/2017;
- Copy of Application and Certification for Payment, prepared by CMS Construction, dated November 8, 2017 and not certified by Maser Consulting;
- Certified Payroll Certificates Weeks Ending 6/16/17 through 10/06/17, prepared by CMS Construction.

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

Original Contract Amount	\$ 190,500.00
<u>Change Order Request #1</u>	<u>\$2,250.00</u>
Adjusted Contract Amount	\$192,750.00
Total Cost of Work Completed	\$191,625.00
Less 2% Retainage	(-) \$9,581.25
<u>Amount Previously Paid</u>	<u>(-) \$161,308.00</u>
Payment Amount	\$20,735.75

Change Order No. 1 reflects an increase in the overall project cost in the amount of \$2,250.00 or a 1.18% increase from the awarded contract amount (\$190,500.00). The adjusted contract amount will be \$192,750.00.

Change Order No. 1 is required to finalize the water connection to the building including a shutoff valve, sink connection and hose bid. These items were not included in the original scope of the project. Therefore, we recommend issuing Change Order No. 1 in the amount of **\$2,250.00** to CMS Construction.

Based upon our review of the submitted documents and substantial conformance with the contract items, I hereby recommend the Mayor and Council approve Progress Payment No. 4 in the amount of **\$20,735.75** to CMS Construction.

We recommend the Borough not release payment until the original signed and notarized Payment Application and Certificate for Payment has been reviewed and approved by our office.

P:\NPT\NPT-570\Correspondence\OUT\171108_NPT-570_WWTP Garage Project_Progress Payment No. 4_CO No 1_Rev.Docx



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

CHANGE ORDER #1-REVISED
PROJECT NO. NPT-570
PERIOD ISSUED - 10/18/2017
DATE ISSUED: 11/8/2017

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	0.05	\$ 6,400.00	0.95	1.00	\$ 128,000.00
2A	GEO TECHNICAL INVESTIGATION AND FOUNDATION DESIGN (AS REQUIRED)	1	LS	\$ 18,000.00	1		\$ -	1.00	1.00	\$ 18,000.00
3A	VARIOUS SITE IMPROVEMENTS (AS REQUIRED)	1	LS	\$ 10,000.00	1	0.15	\$ 1,500.00	0.85	1.00	\$ 10,000.00
	TOTAL			\$ 156,000.00			\$ 7,900.00			\$ 156,000.00
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	1.00	\$ 15,000.00
	TOTAL			\$ 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	1.00	\$ 12,000.00	0.00	1.00	\$ 12,000.00
2BB	INSULATION OF ROOF	1	LS	\$ 7,500.00	1	0.80	\$ 6,000.00	0.20	1.00	\$ 7,500.00
	TOTAL			\$ 19,500.00			\$ 18,000.00			\$ 19,500.00
PROPOSED CHANGE ORDER #1										
CO#1	ADDITIONAL WATER LINE, NEW BUILDING WATER VALVE SINK AND WATER HOSE TAP	1	LS	\$ 2,250.00	1	0.50	\$ 1,125.00	0.00	0.50	\$ 1,125.00
	TOTAL			\$ 2,250.00			\$ 1,125.00			\$ 1,125.00

ORIGINAL CONTRACT AMOUNT	\$ 190,500.00
CHANGE ORDER NO. 1	\$ 2,250.00
ADJUSTED CONTRACT AMOUNT	\$ 192,750.00
TOTAL COMPLETED TO DATE	\$ 191,625.00
PROJECT RETAINAGE	\$ (9,581.25)
LESS PREVIOUS PAYMENTS:	(-) \$ (161,308.00)
TOTAL AMOUNT DUE:	\$ 20,735.75

APPLICATION AND CERTIFICATE FOR PAYMENT

CONSTRUCTION MANAGER-ADVISOR EDITION

AIA DOCUMENT G702/Cma

(Instructions on reverse side)

PAGE 1 OF 2

TO OWNER
 Borough of New Providence
 360 Elkwood Avenue
 New Providence, NJ 07974

FROM CONTRACTOR
 CMS Construction Inc.
 521 North Avenue
 Plainfield, NJ 07060

CONTRACT FOR:

PROJECT: Waste Water Treatment Plant Garage Project

APPLICATION NUMBER: 4
 PERIOD TO: 11/08/17
 PROJECT NOS.:
 CONTRACT DATE:
 Distribution to:
 OWNER
 CONSTRUCTION MANAGER
 ARCHITECT
 CONTRACTOR

VIA CONSTRUCTION MANAGER:
 VIA ARCHITECT: Maser Consulting

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.

- 1. **ORIGINAL CONTRACT SUM** \$192,750.00
- 2. **Net Change By Change Orders**.....
- 3. **CONTRACT SUM TO DATE** (Line 1 +2)..... \$192,750.00
- 4. **TOTAL COMPLETED & STORED TO DATE**..... \$191,625.00
 (Column G on G703)
- 5. **RETAINAGE:**
 - a. 5% % of Completed Work \$9,581.25
 (Columns D & E on G703)
 - b. 0% % of Stored Material \$0.00
 (Column F on G703)

Total Retainage (Line 5a + 5b or Total in Column I of G703) \$9,581.25
- 6. **TOTAL EARNED LESS RETAINAGE**..... \$182,043.75
 (Line 4 less Line 5 Total)
- 7. **LESS PREVIOUS CERTIFICATES FOR PAYMENT** (Line 6 from prior Certificate) \$161,308.00
- 8. **CURRENT PAYMENT DUE** \$20,735.75
- 9. **BALANCE TO FINISH, INCLUDING RETAINAGE** (Line 3 less Line 6) \$ 10,706.25

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$2,250.00	
Total Approved this Month		
TOTALS	\$2,250.00	\$0.00
NET CHANGES by Change Order		\$2,250.00

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.

CONTRACTOR:

Carlos Dasilva President

State of: _____ County of: _____
 Subscribed and sworn before me this _____ day of _____ 20____
 Notary Public:
 My Commission Expires: _____

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..... \$ 20,735.75

(Attach explanation if 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:

By: _____ Date: _____

ARCHITECT:

By: _____ Date: _____

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.

Payment Estimation No. 4



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

CONTACT CARLOS DASILVA
 EMAIL carlosrlos5@aol.com

[Work performed and Material Furnished Through](#)

TO: Union County

Date Submitted: 10/18/2017

Open as of: 10/18/2017

RE: New Providence Garage

Version: 1

Item	Description	UNIT	Qty	UNIT PRICE	Amount	Prev. Billed	Invoice #4	Complete	Amount	Payable	Amount Due	Amt Complete
Base 'A' - Masonry Building												
1A	Split Face CMU Building	LS	1	\$ 128,000.00	\$ 128,000.00	95%	5%	100%	\$ 6,400.00	100%	\$ 6,400.00	\$ 128,000.00
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	85%	15%	100%	\$ 1,500.00	100%	\$ 1,500.00	\$ 10,000.00
Alternate 'A' - Concrete Slab												
1AA	6" Thick Fiber Reinforced Concrete Pad (Additional Cost in Liew of No. 57 Stone Pad)	LS	1	\$ 15,000.00	\$ 15,000.00	100%		100%		100%		\$ 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		100%	100%	\$ 12,000.00	100%	\$ 12,000.00	\$ 12,000.00
2BB	Insulation of Roof	LS	1	\$ 7,500.00	\$ 7,500.00	20%	80%	100%	\$ 6,000.00	100%	\$ 6,000.00	\$ 7,500.00
CHANGE ORDER												
CO01	Additional Water line New Building Water valve Sink and Water hose tap	LS	1	\$ 2,250.00	\$ 2,250.00		100%	100%	\$ 2,250.00	100%	\$ 2,250.00	\$ 2,250.00

TOTAL CONTRACT AMOUNT	\$ 192,750.00
Total Work Completed	\$ 192,750.00
Total Work Completed This Period	\$ 28,150.00
2% Retainage To Date	\$ 3,855.00
Previous Payments	\$161,308.00
Total Payment Due This Period	\$ 27,587.00