WARREN TOWNSHIP SEWERAGE AUTHORITY

RESOLUTION 11-99

RESOLUTION ACCEPTING AS COMPLETED WORK PERFORMED UNDER CONTRACT NO. 48 WITH CFM CONSTRUCTION FOR SERVICES RELATED TO THE CONSTRUCTION OF UPGRADES TO THE MANOR DRIVE, WILLIAM PENN, AND DOGWOOD PUMP STATIONS

WHEREAS, pursuant to Resolution 09-140, the Authority entered into Contract No. 48 with CFM Construction (the “Contractor”), for services related to construction of upgrades to the Manor Drive, William Penn and Dogwood pump stations, which contract amount was $524,200.00; and

WHEREAS, the Authority entered into Contract No. 48 based upon the Authority’s approval of the Contractor’s bid in the amount of $524,200.00 and its qualifications to perform the work identified in the bid specifications for Contract 48; and

WHEREAS, by Resolution 10-15, the Authority authorized payment in the amount of $10,486.00 as indicated in Application for Payment #1 dated March 4, 2010; and

WHEREAS, by Resolution 10-64, the Authority authorized payment in the amount of $113,193.11 as indicated in Application for Payment #2 dated July 10, 2010; and

WHEREAS, by Resolution 10-69, the Authority authorized payment in the amount of $38,670.48 as indicated in Application for Payment #3 dated August 6, 2010; and

WHEREAS, by Resolution 10-79, the Authority authorized payment in the amount of $59,241.00 as indicated in Application for Payment #4 dated September 8, 2010; and

WHEREAS, by Resolution 10-84, the Authority authorized payment in the amount of $55,072.71 as indicated in Application for Payment #5 dated October 6, 2010; and

WHEREAS, by Resolution 10-109, the Authority authorized payment in the amount of $84,320.44 as indicated in Application for Payment #6 dated December 8, 2010; and
WHEREAS, by Resolution 10-125, the Authority authorized payment in the amount of $105,508.81 as indicated in Application for Payment #7 dated January 11, 2011; and

WHEREAS, by Resolution 11-12, the Authority authorized payment in the amount of $26,563.88 as indicated in Application for Payment #8 dated February 9, 2011; and

WHEREAS, pursuant to Resolution 11-28, the Authority authorized the Chair to execute Change Orders No. 1, 2, 3, and 4 to Contract 48, for an increase in the contract price of $30,527.64, thereby increasing the contract price from $524,200.00 to $554,727.64; and

WHEREAS, by Resolution 11-32, the Authority authorized payment in the amount of $28,273.00 as indicated in Application for Payment #9 dated March 4, 2011; and

WHEREAS, by Resolution 11-37, the Authority authorized payment in the amount of $5,314.40 as indicated in Application for Payment #10 dated April 1, 2011; and

WHEREAS, pursuant to Resolution 11-52, the Authority authorized the Chair to execute Change Orders No. 5 and 6 to Contract 48, for an increase in the contract price of $4,772.85, thereby increasing the contract price from $554,727.64 to $559,500.49; and

WHEREAS, by Resolution 11-62, the Authority authorized payment in the amount of $17,934.00 as indicated in Application for Payment #11 dated June 8, 2011; and

WHEREAS, pursuant to Resolution 11-66, the Authority authorized the Chair to execute Change Order No. 7 to Contract 48, for an increase in the contract price of $5,000.00, thereby increasing the contract price from $559,500.49 to $564,500.49; and

WHEREAS, by Resolution 11-80, the Authority authorized payment in the amount of $61,416.60 as indicated in Application for Payment #12 dated August 8, 2011; and

WHEREAS, pursuant to Resolution 11-85, the Authority authorized the Chair to execute Change Order No. 8 to Contract 48, for an increase in the contract price of $57,370.00, thereby increasing the contract price from $564,500.49 to $621,870.49; and

WHEREAS, pursuant to separate resolution, the Authority authorized the Chair to execute Change Order No. 9 to Contract 48, for a reduction in the contract price of $1,463.67, thereby reducing the contract price from $621,870.49 to $620,406.82; and
WHEREAS, Hatch Mott MacDonald, the Authority's Engineer, has submitted for approval an Application and Certificate for Payment No. 13 (Final Payment), dated September 8, 2011, on behalf of the Contractor, in the amount of $14,412.39, which amount includes payment of the 2% retainage that has been withheld over the course of the Contract, and for which Final Payment is to be approved by separate resolution; and

WHEREAS, HMM has indicated that the Application and Certificate for Payment vouchers are fair and representative of costs incurred for work completed to date indicated therein, consistent with the requirements and payment provisions of Contract No. 48; and

WHEREAS, the Authority has reviewed the Application and Certificate for Payment vouchers and finds them to be fair and representative of costs incurred for work completed to date indicated therein; and

WHEREAS, the total amount payable to the Contractor for Contract 48 is $620,406.82, which is one hundred percent (100%) of the value of the contract; and

WHEREAS, the Contractor has provided the maintenance bond as required under Contract 48 upon completion of all work. Although Contract 48 specifies that the Contractor must provide a maintenance bond for the one-year period commencing with final acceptance of the work, the Authority has determined that because the pump station upgrades were operational as of March 31, 2011, and because final acceptance of this Contract was delayed for reasons beyond the Authority's or the Contractor's control, it is appropriate that the one year maintenance period commence as April 1, 2011, and end on April 1, 2012.

NOW, THEREFORE, BE IT RESOLVED, by the Warren Township Sewerage Authority in the County of Somerset, State of New Jersey that the work performed pursuant to Contract 48 by CFM Construction for services related to construction of upgrades to the Manor Drive, William Penn and Dogwood pump stations, is hereby accepted and the project is accepted as completed.

Moved by Mr. Kaufman
Seconded By Mr. Reeder

Roll Call Vote

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<tr>
<th>Yes</th>
<th>No</th>
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<tr>
<td>Mr. Reeder</td>
<td>X</td>
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<td>Mr. Florey</td>
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<td>Ms. Garafola</td>
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<td>Mr. Truglio</td>
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<td>Mr. George Vetter (Alternate #1)</td>
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<td>Mr. Alan Kaufman (Alternate #2)</td>
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CERTIFICATION

I, Deborah Catapano, Secretary of the Warren Township Sewerage Authority in the County of Somerset, New Jersey, do hereby certify that the above resolution is a true and correct copy of a resolution adopted at a meeting of the Warren Township Sewerage Authority on September 21, 2011.

[Signature]

Deborah Catapano, Authority Secretary