

RESOLUTION 21-144

RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF BOONTON, COUNTY OF MORRIS AND STATE OF NEW JERSEY, AUTHORIZING PAYMENT RECOMMENDATION #6 (FINAL) AND RELEASE OF RETAINAGE FOR THE GREEN STREET 1MG WATER STORAGE TANK REPLACEMENT CONTRACT D – FINAL SITE REMEDIATION PROJECT

WHEREAS, the Town of Boonton entered into a contract with Tomco Construction, Inc., in the original amount of \$649,931.30 for the Green Street 1MG Water Storage Tank Replacement Contract D, Final Site Remediation Project (“contract”); and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and N.J.A.C. 5:34, the Town Engineer determined that unforeseen conditions identified in the field during construction have constituted differing site conditions, which resulted in additional costs and delays to the original scope of services defined within the contract with Tomco Construction, Inc.; and

WHEREAS, it has been further determined by the Town Engineer that changes to this contract were necessary to perform such additional work items, which have been timely reflected by prior Change Orders; and

WHEREAS, Change Order #4 (Final) represented a \$24,571.22 increase to the adjusted final contract, and was been previously approved by adopted resolution; and

WHEREAS, the Town Engineer has now prepared an itemized breakdown of such costs, resulting in a Final Payment Recommendation and Release of Retainage for Tomco Construction, Inc. in the amount of \$768,034.06 (See attached at Exhibit A); and

WHEREAS, in accordance with N.J.A.C. 5:30-11.3, the total number of change orders executed for this particular contract have not caused the originally awarded contract price to be exceeded by more than 20 percent; and

WHEREAS, Tomco has provided a one-year maintenance bond in the amount of \$768,034.06 and released all liens; and

WHEREAS, The Town Engineer has recommended to the Mayor and Town Council of the Town of Boonton to authorize Final Payment as a result of the above-referenced changes of condition which occurred on the project; and

WHEREAS, the Chief Financial Officer of the Town of Boonton has certified that sufficient funds are available.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Board of Town Council of the Town of Boonton, County of Morris and State of New Jersey, that the Tomco Construction, Inc., Final Contract Amount for the Green Street 1MG Water Storage Tank Replacement Contract D, Final Site Remediation, is as follows:

| | | |
|---------------------------|--------------|------------------|
| Original Contract Amount: | \$649,931.30 | |
| Final Contract Amount: | \$768,034.06 | (Increase 18.3%) |

1. The Mayor and Town Clerk are hereby authorized and directed to execute said Payment Recommendation and Release of Retainage for Tomco Construction, Inc., and to take all necessary actions as may be needed thereafter to effectuate such Final Payment and Release.
2. This Resolution, along with its attachments, shall be available for public inspection in the office of the Town Clerk.
3. This Resolution shall take effect upon certification by the Town Chief Financial Officer that sufficient funds are available.

I hereby certify that funds are available in A/C # H-06-55-581-001

John Ditinyak, CFO

I, Cynthia A. Oravits, Clerk of the Town of Boonton, County of Morris and State of New Jersey, hereby certifies this to be a true copy of a resolution adopted by the Mayor and Town Council on May 17, 2021.



Cynthia A. Oravits, RMC
Town Clerk