

**RESOLUTION ACCEPTING THE WORK FOR THE BOONTON AVENUE INTERCEPTOR PROJECT CONTRACT NO. I-4B FOR SANITARY SEWER PIPE AND MANHOLE REHABILITATION; AUTHORIZING FINAL PAYMENT; AND ACCEPTING THE MAINTENANCE BOND AND ENVIRONMENTAL MAINTENANCE BOND**

**WHEREAS**, pursuant to Resolution No. R-15-1-4, the Pequannock River Basin Regional Sewerage Authority (hereinafter the "Authority") authorized the award of the Authority's "Boonton Avenue Interceptor Project, Contract No. I-4B Sanitary Sewer Pipe and Manhole Rehabilitation" (hereinafter Contract No. I-4B) to Arold Construction Co., Inc., having a business address of 51 Powder Mill Bridge Road, Kingston, New York 12401 (hereinafter "Arold Construction") for the Total Bid Amount of \$812,055.00, subject to receipt of Authorization to Award from the New Jersey Environmental Infrastructure Trust, and/or the New Jersey Department of Environmental Protection; and

**WHEREAS**, Arold Construction provided the Authority with Performance Labor and Material Payment Bond No. 929589084 executed by Western Surety Company on February 17, 2015 in the amount of \$812,055.00, together with Maintenance Bond No. 929589084M executed on February 17, 2015 by Western Surety Company in the amount of \$812,055.00; and

**WHEREAS**, Contract No. I-4B was fully executed on February 26, 2015 and the Authority issued a Notice to Proceed to Arold Construction on April 9, 2015; and

**WHEREAS**, by letter dated September 16, 2016 to the Authority, "Suburban Consulting Engineers, Inc. recommends to the Pequannock River Basin Regional Sewerage Authority final acceptance of this project"; and

**WHEREAS**, the final contract value is \$677,935.00 based on an original contract value of \$812,055.00 less as-built quantity deletions in the amount of \$165,255.00 plus quantity additions in the amount of \$31,135.00 for police traffic control overage; and

**WHEREAS**, the Authority has made three payments to Arold Construction in the total amount of \$664,376.30, leaving a remaining contract balance of \$13,558.70, which includes all retainage withheld; and

**WHEREAS**, Arold Construction has provided the Authority with a Contractor's Affidavit and Final Release of Liens stating that it "constitutes a complete and final release of all claims, demands, and liens by [Arold Construction]"; and

**WHEREAS**, in addition to Maintenance Bond No. 929589084M executed on February 17, 2015 by Western Surety Company in the amount of \$812,055.00, Arold Construction has provided the Authority with Environmental Maintenance Bond No. 929589084E executed on May 3, 2016 by Western Surety Company in the amount of \$25,000.00; and

**WHEREAS**, the aforementioned Maintenance Bond, Environmental Maintenance Bond and Contractor's Affidavit and Final Release of Liens have been reviewed by the Authority's counsel to ensure compliance with Contract No. I-4B.


**NOW, THEREFORE, BE IT RESOLVED** by the Pequannock River Basin Regional Sewerage Authority in the Counties of Morris and Passaic and the State of New Jersey on the 21<sup>st</sup> day of September, 2016 as follows:

1. The Authority hereby determines that on the date of the adoption of this Resolution, the work performed by Arold Construction is finally complete and acceptable as to Contract

No. I-4B. This Resolution shall be deemed the Notice of Completion required by Contract No. I-4B and shall remain on file at the offices of the Authority.

2. The Authority hereby accepts Maintenance Bond No. 929589084M executed on February 17, 2015 by Western Surety Company in the amount of \$812,055.00 and Environmental Maintenance Bond No. 929589084E executed on May 3, 2016 by Western Surety Company in the amount of \$25,000.00 for the Maintenance Period as set forth in Contract No. I-4B, said Maintenance Period shall commence upon the adoption of this Resolution. The aforementioned Maintenance Bond and Environmental Maintenance Bond shall not be released by the Authority until all terms and conditions associated with the Maintenance Period have been completed by Arold Construction to the satisfaction of the Authority.
3. The Authority approves Payment Application No. 4 in the remaining contract balance of \$13,558.70, which amount includes all retainage withheld, as the final payment to Arold Construction.
4. This Resolution shall take effect as provided by law.

Certified to be a true copy of a Resolution enacted at a duly convened public meeting of the Pequannock River Basin Regional Sewerage Authority held on September 21, 2016.

  
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Edwin Howard, Secretary