

RESOLUTION CONDITIONALLY ACCEPTING THE WORK PERFORMED FOR MAIN STREET AND PARK PLACE SANITARY SEWER REPLACEMENT PROJECT CONTRACT NO. PRB-19-1 (RE-BID); AUTHORIZING CHANGE ORDER NO. 4; CONDITIONALLY AUTHORIZING FINAL PAYMENT; AND ACCEPTING THE TWO-YEAR MAINTENANCE BOND

WHEREAS, the Pequannock River Basin Regional Sewerage Authority (the “Authority”) awarded the Main Street and Park Place Sanitary Sewer Replacement Project Contract No. PRB-19-1 (Re-Bid) to Montana Construction Corp., Inc. (“Montana”) on October 16, 2019 as the lowest responsible bidder, pursuant to Resolution No. R-19-10-4, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. in the bid amount of \$1,422,025.00; and

WHEREAS, on April 15, 2020, the Authority authorized Change Order No. 1 with Montana increasing the contract amount by \$15,522.30 pursuant to Resolution No. R-20-4-2 for the reasons set forth therein in accordance with N.J.A.C. 5:30-11; and

WHEREAS, on May 6, 2020, the Authority authorized Change Order No. 2 with Montana increasing the contract amount by \$71,972.38 and increasing the contract time for completion by six (6) days pursuant to Resolution No. R-20-5-1 for the reasons set forth therein in accordance with N.J.A.C. 5:30-11; and

WHEREAS, on August 13, 2020, the Authority authorized Change Order No. 3 with Montana increasing the contract amount by \$263,331.10 and increasing the contract time for completion by ninety-four (94) days pursuant to Resolution No. R-20-8-1 for the reasons set forth therein in accordance with N.J.A.C. 5:30-11; and

WHEREAS, the Authority is in receipt of Change Order No. 4 decreasing the contract amount by \$70,922.75 for quantities not utilized including a credit for off-duty police paid in

January 2021 and increasing the contract time for completion by 208 days, thereby extending the date for final completion to June 16, 2021; and

WHEREAS, the final contract value is \$1,701,928.03 based on an original contract value of \$1,422,025.00 and Change Order Nos. 1, 2, 3 and 4; and

WHEREAS, Montana has provided the Authority with a Final Waiver of Lien, dated June 9, 2021; and

WHEREAS, the Authority is in receipt of Maintenance Bond No. 3110639M executed on June 9, 2021 by Federal Insurance Company in the amount of \$1,701,928.03, having a commencement date of June 9, 2021 and a termination date of June 9, 2023 against any defective workmanship or defective materials (the "Maintenance Bond"); and

WHEREAS, a damaged electrical cabinet needs to be replaced; and

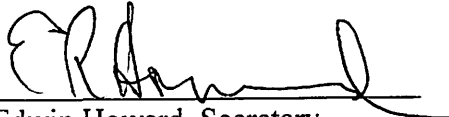
WHEREAS, it is anticipated that the electrical cabinet will be installed by Montana on June 18, 2021 and final payment shall not issue to Montana until the electrical cabinet is installed

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 16th day of June, 2021 as follows:

1. Upon the installation of the electrical cabinet to the satisfaction of the Authority's Engineer, the Authority hereby determines that the work performed by Montana pursuant to Contract No. PRB-19-1 (Re-Bid) has reached final completion and is accepted and this Resolution shall be deemed the Notice of Completion required by the contract documents and shall remain on file at the offices of the Authority.

2. The Authority approves and authorizes execution of Change Order No. 4 which provides a time extension in the amount of 208-days, extending the date for final completion to June 16, 2021 and decreases the contract amount by \$70,922.75.
3. The Authority hereby accepts Maintenance Bond No. 3110639M executed on June 9, 2021 by Federal Insurance Company in the amount of \$1,701,928.03 for the two-year maintenance period commencing on June 9, 2021 and terminating on June 9, 2023.
4. The Authority authorizes the release of final payment to Montana in the amount of \$52,272.69 upon the installation of the electrical cabinet to the satisfaction of the Authority's Engineer
5. Funds are certified to be available from the Capital Budget, Construction Account No. 2576006501 in the amount of \$52,272.69 as final payment to Montana for Contract No. PRB-19-1 (Re-Bid) in accordance with the conditions set forth in this Resolution.
6. The Authority's staff and consultants are authorized to take all actions necessary to effectuate this Resolution.
7. This Resolution shall take effect immediately.

Certified to be a true copy of a Resolution enacted at a duly convened public meeting of the Pequanock River Basin Regional Sewerage Authority held on June 16, 2021.


Edwin Howard, Secretary