



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **RESOLUTION 23-059**

### **APPROVING CLOSE OUT CHANGE ORDER AND DECLARING ACCEPTANCE OF THE CONTRACT FOR HILLSIDE AVENUE DRAINAGE IMPROVEMENTS**

**WHEREAS**, by way of Resolution 22-172 duly adopted on July 13, 2022, Messercola Excavating Co., Inc. was awarded a contract for the Hillside Avenue Drainage Improvements Project; and

**WHEREAS**, the contract awarded to Messercola Excavating Co., Inc. was in the amount of \$28,300.00; and

**WHEREAS**, the Project Engineer, CME Associates, has advised that the project is complete at this time. The change order reflects increases and decreases in original contract quantities required to complete the project; and

**WHEREAS**, CME Associates has advised that the Closeout Change Order results in a decrease in the project cost from the original amount of \$28,300.00 to an adjusted total of \$20,270.00, for a decrease of \$8,030.00, as specifically set forth in their correspondence dated January 26, 2023; and

**WHEREAS**, in accordance with the requirements of the aforesaid contract, Messercola Excavating Co., Inc. has submitted a two (2) year Maintenance Bond in the amount of \$3,040.50, which is fifteen (15) percent of the final Contract Amount; and

**WHEREAS**, the Project Engineer, CME Associates, has recommended authorizing the aforesaid Change Order, releasing the Performance Bond and accepting the project.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Highlands, that based on the above recommendations from the Project Engineer, CME Associates, that the Closeout Change Order changing the original contract amount to \$20,270.00, for a decrease of \$8,030.00, be and is hereby approved.

**BE IT FURTHER RESOLVED**, by the governing body of the Borough of Highlands, that it hereby acknowledges that this project has been satisfactorily completed and accepts same.

**BE IT FURTHER RESOLVED**, by the governing body of the Borough of Highlands that it authorizes the acceptance of the two (2) year Maintenance Bond No. S-273927 MB in the sum of \$3,040.50 issued by NGM Insurance Company.

**BE IT FURTHER RESOLVED**, that any lien claims filed more than sixty (60) days after the adoption of this Resolution shall be ineffective pursuant to N.J.S.A. 2A:44-132.

**BE IT FURTHER RESOLVED**, that upon expiration of said sixty (60) day period, if no lien claim notices have been filed, the Borough of Highlands shall release Performance Bond No. S-273927, issued by NGM Insurance Company in the amount of \$28,300.00.

**BE IT FURTHER RESOLVED**, that upon expiration of said sixty (60) day period, if no lien claim notices have been filed, a voucher authorizing final payment of any sums due to the Contractor may be listed upon the bill list for action.

**BE IT FURTHER RESOLVED**, that a certified copy of the within Resolution be forwarded to the Chief Financial Officer, the Project Engineer, Purchasing Agent and Messercola Excavating Co., Inc.

Motion to Approve R 23-059:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: February 1, 2023

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Nancy Tran, Municipal Clerk  
Borough of Highlands