



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **RESOLUTION 26-069**

### **APPROVING CLOSEOUT CHANGE ORDER NO. 1 AND DECLARING ACCEPTANCE OF CONTRACT FOR THE PEDESTRIAN IMPROVEMENTS TO MARINE PLACE EAST PROJECT**

**WHEREAS**, by way of Resolution 25-110 duly adopted on May 7, 2025, Berto Construction, Inc. was awarded a contract for the Pedestrian Improvements to Marine Place East Project; and

**WHEREAS**, by way of correspondence dated February 11, 2026, the Project Engineer advised that the project is complete at this time and recommends the approval of Closeout Change Order No. 1 decreasing the contract amount by \$86,475.00, resulting in a total and final contract amount of \$899,597.35; and

**WHEREAS**, in accordance with the requirements of the aforesaid contract, Berto Construction, Inc. shall submit a two (2) year Maintenance Bond in the amount of \$134,939.60, which is 15% of the final contract amount; and

**WHEREAS**, the Project Engineer has recommended authorizing the aforesaid Change Order No. 1, releasing the Performance Bond and accepting the project, conditioned upon the posting of a Maintenance Bond in the amount of \$134,939.60.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Highlands, that based on the above recommendation from the Project Engineer, that Closeout Change Order No. 1 decreasing the contract amount by \$86,475.00, resulting in a total contract amount of \$899,597.35, be and is hereby approved; and

**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**, 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 final payment to Berto Construction, Inc. is expressly conditioned upon and subject to approval of the Maintenance Bond by the Borough Attorney.

**BE IT FURTHER RESOLVED**, that upon receipt and acceptance of the required two (2) year Maintenance Bond, the Borough of Highlands shall release Performance Bond No. 9470973, issued by Fidelity and Deposit Company of Maryland in the amount of \$986,072.35.

**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, the Purchasing Agent, and Berto Construction, Inc.

Motion to Approve R 26-069:

	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 18, 2026

---

Nancy Tran, Municipal Clerk  
Borough of Highlands