



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 26-078

**APPROVING REVISED CLOSEOUT CHANGE ORDER NO. 2, DECLARING
ACCEPTANCE OF CONTRACT FOR THE SHORE DRIVE PEDESTRIAN
IMPROVEMENTS PROJECT AND AMENDING RESOLUTION NUMBER 26-047**

WHEREAS, by way of Resolution 25-094 duly adopted on April 2, 2025, Black Rock Enterprises, LLC was awarded a contract for the Shore Drive Pedestrian Improvements Project; and

WHEREAS, by way of Resolution 25-185 duly adopted on October 1, 2025, Change Order No. 1 was approved, increasing the contract amount from \$741,851.98 to \$783,999.28; and

WHEREAS, by way of Resolution 26-047 duly adopted on January 21, 2026, Change Order No. 2 was approved, decreasing the contract amount from \$783,999.28 to \$597,445.84; and

WHEREAS, the Project Engineer has since submitted an updated closeout change order and advised that Closeout Change Order No. 2 REV is required to reflect a final as-built quantity adjustment, which contains an adjustment to the contingency line item due to the contractor not billing for the Stop Bar until after processing of the final change order; and

WHEREAS, Closeout Change Order No. 2 REV decreases the total contract amount by \$185,322.44, resulting in a total and final contract amount of \$598,676.84; and

WHEREAS, in accordance with the requirements of the aforesaid contract, Black Rock Enterprises, LLC, has submitted a two (2) year Maintenance Bond in the amount of \$89,801.53, which is 15% of the final contract amount; and

WHEREAS, the Project Engineer has recommended authorizing the aforesaid Change Order No. 2 REV, 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 recommendation from the Project Engineer, that Closeout Change Order No. 2 REV in the amount of \$185,322.44, resulting in a total contract amount of \$598,676.84, be and is hereby approved; and

BE IT FURTHER RESOLVED, that Resolution 26-047 be and is hereby amended to reflect the approval of Closeout Change Order No. 2 REV and the resultant contract amounts as set forth above.

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 Black Rock Enterprises, LLC is expressly conditioned upon and subject to approval by the New Jersey Department of Transportation (NJDOT), and no final payment shall be released unless and until such approval is obtained.

BE IT FURTHER RESOLVED, that upon receipt and acceptance of the original two (2) year Maintenance Bond, the Borough of Highlands shall release Performance Bond No. 108130727, issued by Travelers Casualty and Surety Company of America in the amount of \$741,851.98.

BE IT FURTHER RESOLVED, that upon expiration of said sixty (60) day period, if no lien claim notices have been filed and NJDOT approval has been obtained, 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 Black Rock Enterprises, LLC.

Motion to Approve R 26-078:

| | 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: March 4, 2026

Nancy Tran, Municipal Clerk
Borough of Highlands