

Resolution 19-048

RESOLUTION DETERMINING THE WHOLE WORK FOR CONTRACT NUMBER 38, MONROE STREET PUMPING STATION AND FORCE MAIN AND MORRIS AVENUE GRAVITY SEWER IS COMPLETE; AUTHORIZING THE RELEASE OF ALL RETAINAGE TO THE CONTRACTOR IN THE AMOUNT OF \$96,799.96 AS FINAL PAYMENT; AND AUTHORIZING EXECUTION OF THE CERTIFICATE OF SUBSTANTIAL COMPLETION

WHEREAS, the Rockaway Valley Regional Sewerage Authority (hereinafter the “Authority”) entered into Contract 38 for the construction of the Monroe Street Pumping Station and Force Main and Morris Avenue Gravity Sewer with Tomar Construction Services, Inc., 6 Spruce Meadows Drive, Monroe, New Jersey (hereinafter “Tomar”); and

WHEREAS, the original contract value was \$4,359,223.00 and during the course of construction ten change orders were issued resulting in a net increase to the contract value by \$480,774.99, resulting in a total contract value of \$4,839,997.99; and

WHEREAS, the Authority has retained 2% of \$4,839,997.99, resulting in retainage in the amount of \$96,799.96 pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-16.3; and

WHEREAS, the Authority has previously paid Tomar \$4,743,198.03 in monthly progress payments for Contract No. 38 work completed; and

WHEREAS, Tomar requests the Authority to make payment in the amount of \$96,799.96 representing the retainage held by the Authority during the construction of the project pursuant to Tomar’s Application and Certification for Payment No. 28 as its final application for payment; and

WHEREAS, by letter dated March 12, 2019 to the Authority, Kleinfelder advises that the project was substantially complete on June 25, 2018 and encloses a Certificate of Substantial Completion for execution; and

WHEREAS, Kleinfelder advises in its letter dated March 12, 2019 that it has reviewed Tomar's Application and Certification for Payment No. 28 for the release of all retainage in the amount of \$96,799.96 and "finds it acceptable, and recommends that payment be processed accordingly."

NOW, THEREFORE, BE IT RESOLVED by the Rockaway Valley Regional Sewerage Authority as follows:

1. The Authority hereby determines that on the date of the adoption of this Resolution, the whole work to be performed by Tomar Construction Services, Inc. pursuant to Contract No. 38 entitled "Monroe Street Pumping Station and Force Main and Morris Avenue Gravity Sewer" is complete and accepted.
2. The Authority hereby approves Application and Certification for Payment No. 28 in the amount of \$96,799.96 to be paid to Tomar Construction Services, Inc. as the full release of all retainage that was withheld in accordance with N.J.S.A. 40A:11-16.3.
3. The Executive Director is authorized to execute the Certificate of Substantial Completion, having a date of substantial completion of June 25, 2018.
4. The Maintenance Bond provided by Tomar Construction Services, Inc. shall remain in effect until June 25, 2019.
5. This Resolution shall take effect as provided by law.

CERTIFICATION

I hereby certify that this Resolution was adopted at a meeting of the Rockaway Valley Regional Sewerage Authority held on April 11, 2019,

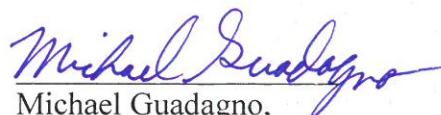
On motion of: Glenn Corbett Second by: Michael Guadagno
And a Roll Call Vote as Follows:

Yeas: (9) Andes, Cegelka, Corbett, Guadagno, Isselin, Lowell, Rossi, Schorno, Zuppa

Nays: (0) None

Abstain: (1) Recchia

Absent: (0) None


Michael Guadagno,
Board Secretary



March 29, 2019

VIA EMAIL

JoAnn Mondsinini
 Executive Director
 Rockaway Valley Regional SA
 RD #1, 99 Green Bank Road
 Boonton, NJ 07005

**RE: FINAL CLARIFIERS REPAIR PROJECT, CONTRACT 40
 CONSTRUCTION PHASE ENGINEERING AND RESIDENT PROJECT REPRESENTATIVE
 (RPR)SERVICES
 AMENDMENT REQUEST**

Dear Ms. Mondsinini:

The purpose of this letter is to request an amendment to Kleinfelder’s (KLF’s) authorized budget for Construction Phase Engineering and RPR Services for Contract 40, specifically to increase the RPR task budget, for the reasons described below. KLF is not requesting a budget increase for any other task. For reference, our current authorized budget is presented in the following table.

Current Budget

Task	Description	Cost
1	Bidding and Award Assistance	\$28,200
2	Preparation of Conformed Documents	\$8,840
3	Resident Project Representative Services	\$327,600
4	Meetings and Site Visits	\$22,800
5	Submittal Review and Processing	\$72,080
6	Requests for Information	\$18,240
7	Change Order Assistance	\$19,720
8	Testing and Startup Assistance	\$4,390
9	Record Drawings	\$13,290
10	Maintenance Period Support	\$4,570
11	Project Administration	\$47,370
	Total	\$567,100

Need for RPR Budget Increase

At RVRSA’s request, KLF’s proposal for Construction Phase Engineering and RPR services dated May 3, 2016 included an RPR budget based on the utilization of a lower level RPR due to the belief that Contract 40 would be a relatively simple construction project and would not warrant the need for KLF’s senior RPR (Mark Bean). It was also based on an 18 month construction period. However, during final design the construction period was subsequently revised to 21 months. In summary, the \$327,600 RPR budget was based on an 18 month construction schedule and a RPR hourly billing rate of \$140/hr.

However, after awarding Contract 40 to Tomar Construction (Tomar) on August 15, 2017, RVRSA requested that KLF's senior RPR (Mark Bean) serve as the RPR for Contract 40 until rehabilitation of the first final clarifier is complete, after which there would be consideration of utilizing a lower level RPR for the remainder of the project.

Notice to proceed (NTP) was issued to Tomar on September 14, 2017 resulting in a contract completion date of June 6, 2019. Rehabilitation of the first final clarifier was substantially complete and placed into service on March 25, 2019, i.e., approximately 18 months following NTP, which was the originally assumed contract construction period when the proposal was prepared in 2016. As a result, the total RPR costs incurred through this period have exceeded the \$327,600 budget by approximately \$58,750.

Moving forward, it is recommended that RPR services be provided by a combination of KLF's senior RPR (Mark Bean at a billing rate of \$220/hour) for an average of two (2) days per week and a lower level RPR (Joseph Schwarz at a billing rate of \$140/hour) for an average of three (3) days per week. The resulting cost per week for RPR services is \$6,880 in labor costs and approximately \$120/week in mileage-related expenses, resulting in a total cost of \$7,000 per week.

Tomar's most recently updated schedule indicates a completion date near the end of July 2019. However, it appears that some schedule slippage has occurred. Pending a formal update of Tomar's schedule, it is suggested that RPR services be budgeted through the end of August 2019. Therefore, KLF anticipates that there will be a need to continue providing RPR services through August 30, 2019, i.e. approximately twenty (20) weeks following substantial completion of the first final clarifier. Based on 20 weeks of RPR services at a weekly cost of \$7,000, the corresponding cost is \$140,000, which together with the \$58,750 in additional RPR costs incurred to date, result in a total RPR budget increase of \$198,750.

It is noted that approximately \$84,000 of the total additional RPR costs are due to KLF providing RPR services beyond the June 6, 2019 contract completion date.

Amendment Request

Based on the above, KLF requests that our current budget of \$567,100 be amended by \$198,750 to \$765,850 in order to continue provide RPR service through the end of August 2019.

If you have any questions regarding this request, please contact me at 609-454-4555, or by email at TBradley@Kleinfelder.com.

Sincerely,



Timothy D. Bradley, P.E.
Vice President

cc: Bob Bocchino
2045Z



March 12, 2019

Via E-mail & Followed by USPS

Mr. Robert Bocchino, P.E.
Manager of Engineering
Rockaway Valley Regional Sewerage Authority
RD #1, 99 Greenbank Road
Boonton, New Jersey 07005-9602

**RE: MONROE STREET PUMPING STATION & FORCE MAIN AND MORRIS AVENUE GRAVITY SEWER
RVRSA CONTRACT NO. 38; NJEIT LOAN PROJECT S340821-06
CONTRACTOR'S FINAL APPLICATION AND CERTIFICATION FOR PAYMENT - NO. 28**

Dear Mr. Bocchino;

Please find enclosed two (2) copies of Tomar Construction Services Inc.'s Application and Certification for Payment No. 28 for the referenced project which shall serve as a FINAL application for payment.

This project was substantially complete on 06/25/2018, and a Certificate of Substantial Completion reflecting that date is enclosed for Ms. Mondsini's signature on RVRSA's behalf. Kindly have Ms. Mondsini sign where indicated and provide a scanned copy via email for Kleinfelder's records.

This project entered its Maintenance Period on that date, as all work was complete and RVRSA took beneficial use of the last component of the Work (the Morris Ave. gravity sewer). A Maintenance Bond was posted by the Contractor at the time of Notice to Proceed, to be effective during the proscribed 1-year maintenance period. The Maintenance Period, in general, will conclude on 06/25/2019. For some items of work for which RVRSA took beneficial use in advance of Substantial Completion, the 1-year maintenance period commenced as follows:

Harrison Street Grinder Pump Station -	05/31/2017
Monroe Street Pumping Station -	11/13/2017

The Contract Completion Date, as adjusted per the project's final Change Order #10, was September 30, 2018. This Contract has been held open during this period as a courtesy to the Contractor by RVRSA to allow the Contractor to address any remaining minor punch list items. All Work, inclusive of punch list items, is now complete, and it is appropriate to effect FINAL COMPLETION for the Contract at this time, releasing retainage and all funds withheld by RVRSA.

Kleinfelder has reviewed this application, finds it acceptable, and recommends that payment be processed accordingly. For your reference, the application amount is **\$96,799.96**, which represents release of all monies retained. ***NO further amounts will be due to the Contractor after this close-out.*** A summary of all payment applications for this contract follows this page for your use and reference. Kindly also note the status of the following relevant documentation:

March 12, 2019

- NJDEP Payment Certification (1 original - enclosed)
- ~~RVRSA Payment Voucher~~ (not required)
- ~~Certified Payrolls~~ (not included – submitted by Contractor directly to RVRSA)
- ~~Monthly Project Workforce Report – Form AA-202~~ (not included – submitted by Contractor directly to RVRSA)
- ~~SED Progress Report~~ (not included – monthly filing by Contractor submitted directly to RVRSA)

It is our pleasure to be of continued service to RVRSA in the administration of this important construction contract. Should you have any questions or require further information, please do not hesitate to contact me directly via telephone at (609) 454-4570, or via email to mbean@kleinfelder.com.

Sincerely,


Mark A. Bean, P.E., CGP, LEED AP, FIGP
Principal Engineer

Enclosures

- c:
- J. Mondsini – RVRSA, w/enclosures
 - S. Allen – RVRSA, w/enclosures
 - T. Bradley, w/o enclosures
 - 2045U w/enclosures