

RESOLUTION #2023-18

RESOLUTION OF THE MANTUA TOWNSHIP MUNICIPAL UTILITIES AUTHORITY AUTHORIZING AMENDED FINAL PAYMENT NO. 7A TO PERNA FINNIGAN, INC., FOR THE BARNSBORO SANITARY SEWER EXTENSION PROJECT

WHEREAS, the Mantua Township Municipal Utilities Authority (MTMUA), with its principal place of business at 401 Main Street, Mantua, New Jersey 08051 entered into a contract with Perna Finnigan, Inc., of Vineland, New Jersey for the Barnsboro Sanitary Sewer Extension Project; and

WHEREAS, Perna Finnigan, Inc., is seeking a revised final payment in the amount of **\$91,779.54**. This revised payment recommended by Sickels and Associates detailed in their letter dated February 6, 2023, incorporated herein at length, reflects the amount of \$74,415.38, originally requested by Perna Finnigan, Inc. on September 20, 2022 as well as an unpaid amount of \$17,364.16 that was identified during the close out of the project and transition to the NJIB long-term funding process in December 2022. The contract was awarded to Perna Finnigan, in a maximum amount \$1,449,982.00. During construction of the project, Change Order No.1, Change Order No.2, and Change Order No.3 adjusted the total required to complete to contract to \$1,569,899.55, reflecting an increase of \$119,917.50; and

WHEREAS, Sickels and Associates previously reviewed the progress of work completed and verified the as-built quantities requested for final payment No. 7 in September 2022 as they were satisfied with the requested payment and recommended the amount of \$74,415.38 be paid to the Contractor through Resolution #2022-41. Notwithstanding the authorization for the payment of \$74,415.38 at Resolution #2022-41, this money was never paid to the Contractor pending some verifications and should now be paid together with the earlier referenced \$17,364.16; and

WHEREAS, during project closeout it was discovered that there was a miscalculation of payment No. 3, approved in June 2021, which resulted in an inaccurate value being placed in the "previously paid" line item for each payment; and

WHEREAS, Perna Finnigan's payment was inadvertently reduced by an amount of \$17,364.16 which was observed during the final accounting of the project. This revised payment serves to address the previous reduction in the disbursement to Perna Finnigan Inc., and pay out the remaining amount of the contract obligation; and

WHEREAS, in addition to reviewing the payments made during the construction phase of the project, Sickles and Associates also reviewed the close out documents provided by the NJDEP/NJIB to assess whether these costs had been incorporated within the building costs of the long-term funding. Upon review of various requisitions with the Authority, the SLP-101's form from DEP as well as Exhibit B of the funding documents, it appears that the building costs have been included with the long-term funding; and

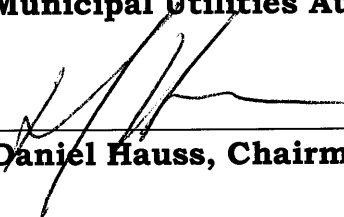
WHEREAS, the work completed has been reviewed and verified and Final Payment No. 7A is hereby recommended in the amount of **\$91,779.54** pursuant to the recommendation of the MTMUA project engineer David S. Palgutta, PE, CME by letter dated February 6, 2023, which is incorporated herein at length; and

WHEREAS, the performance and payments bonds are to remain in effect until one (1) year after the date when final payment becomes due or until completion of the correction period specified in Paragraph 13.07, whichever is later, except as provided otherwise by Laws or Regulations or by the Contract Documents. The original performance and payment bonds are included within the copy of the Authority's Contract Agreement. As such, based upon the approval of payment, the maintenance period shall commence on September 27, 2022 and continue for a one (1) year period as per the Contract Documents. The maintenance period will expire on September 27, 2023.

NOW, THEREFORE, BE IT RESOLVED, that the Mantua Township Municipal Utilities Authority hereby authorizes final payment No. 7A to Perna Finnigan, Inc. in the amount of **\$91,779.54** for the work completed regarding the Barnsboro Sanitary Sewer Extension project as reflected in the Sickles & Associates, Inc. February 6, 2023 letter contingent upon Perna Finnigan, Inc. complying with the aforesaid requirements as detailed in the February 6, 2023 letter and confirmed to the MTMUA by Sickles & Associates.

DULY ADOPTED at the Meeting of the Mantua Township Municipal Utilities Authority held on February 7, 2023.

**The Mantua Township
Municipal Utilities Authority**

By: 

Daniel Hauss, Chairman

ATTEST:



John Parks, Secretary

**Governing Body Recorded Vote Resolution 2023-18 Final Payment
No. 7A**

Member	Aye	Nay	Abstain	Absent
Daniel Hauss, Chairman	✓			
Mario Dilisciandro, Vice Chair	✓			
John Parks, Secretary	✓			
Victor Torino, Treasurer	✓			
Timothy Sheehan, Engineering Coordinator	✓			
Kevin Howarth, Alternate #1				
James Neely, Alternate #2				