

BOROUGH OF RED BANK

COUNTY OF MONMOUTH

RESOLUTION NO. 16-203

A RESOLUTION AUTHORIZING THE RELEASE OF A SITE IMPROVEMENT PERFORMANCE GUARANTEE TO LUCAS CONSTRUCTION GROUP, INC., FOR 2015 ROAD IMPROVEMENT PROGRAM (BRIDGE AVENUE), UPON THE ACCEPTANCE OF A TWO-YEAR MAINTENANCE GUARANTEE BY THE BOROUGH, AND PAYMENT OF THE TOTAL AMOUNT DUE ON PAYMENT CERTIFICATE NO. 11 & FINAL

Councilwoman Horgan offered the following resolution and moved its adoption:

WHEREAS, the Borough of Red Bank required the posting of a performance guarantee for 2015 Road Improvement Program (Bridge Avenue); and

WHEREAS, the Borough Engineer has received a request from the contractor for release of the performance guarantee and for payment of the Total Amount Due on Payment Certificate No. 11 & Final; and

WHEREAS, the Borough Engineer has inspected the site and has determined that all bonded improvements have been completed and that payment of the Total Amount Due on Payment Certificate No. 11 & Final should be made to the contractor for same; and

WHEREAS, the Borough Engineer has recommended the release of the performance guarantee posted by Lucas Construction Group, Inc., in the amount of \$1,274,597.30 for 2015 Road Improvement Program (Bridge Avenue), consisting of a Payment and Performance Bond No. SNN4002110 issued by Nationwide Mutual Insurance Company on August 19, 2015, upon acceptance by the Borough of a two-year maintenance bond in the amount of \$371,033.04, and conditioned upon the payment of all outstanding fees due the Borough, including, but not limited to, engineering and attorneys' fees; and

WHEREAS, the Borough Engineer further recommends payment of the Total Amount Due of \$33,612.44 shown on Payment Certificate No. 11 & Final, attached hereto as Schedule A.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Red Bank, County of Monmouth, State of New Jersey as follows:

1. That the governing body does hereby authorize the release of the performance guarantee posted by Lucas Construction Group, Inc., in the amount of \$1,274,597.30, for the 2015 Road Improvement Program (Bridge Avenue), by way of Payment and Performance Bond No. SNN4002110 issued by Nationwide Mutual Insurance Company on August 19, 2015, and accepts a two-year maintenance bond in the amount of \$371,033.04 by way of Bond No. SNN4002110 issued by Nationwide Mutual Insurance Company on July 5, 2016, conditioned upon the payment of all outstanding fees due the Borough, including, but not limited to, engineering and attorneys' fees.

2. That the governing body does hereby authorize payment of the Total Amount Due of \$33,612.44 as shown on Payment Certificate No. 11 & Final, attached hereto as Schedule A.

3. That a certified copy of this resolution be provided to the Chief Financial Officer, the Borough Engineer and Lucas Construction Group, Inc.

Seconded by Councilwoman Schwabenbauer and adopted on roll call by the following vote:

| | Yes | No | Abstain | Absent |
|----------------------------|-------|-----|---------|--------|
| Councilwoman Burnham | (x) | () | () | () |
| Councilman Ziprich | () | () | () | (x) |
| Councilwoman Horgan | (x) | () | () | () |
| Councilwoman Schwabenbauer | (x) | () | () | () |
| Councilman Taylor | (x) | () | () | () |
| Councilman Whelan | (x) | () | () | () |

Dated: July 27, 2016