

County of Passaic

Board of County Commissioners



OFFICE OF COUNTY COMMISSIONERS

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Louis E. Imhof
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Date: Oct 28, 2025 - 5:30 PM

Agenda: RESOLUTION AUTHORIZING ACCEPTANCE, FINAL PAYMENT AND PROJECT CLOSE OUT TO CMS CONSTRUCTION, INC., FOR THE REPLACEMENT OF THE LINCOLN AVENUE CULVERT NO. 1600-151 OVER MORSETOWN BROOK IN THE TOWNSHIP OF WEST MILFORD, PER BID C-24-019, PURSUANT TO PURSUANT TO N.J.S.A. 40A:11-16.3(b) ET SEQ.

THIS RESOLUTION WAS REQUESTED BY:
ENGINEERING

REVIEWED BY:

Matthew P. Jordan, Esq.

APPROVED AS TO FORM AND LEGALITY:

Nadege D. Allwaters, Esq.

Official Resolution#	
Meeting Date	10/28/2025
Introduced Date	10/23/2025
Adopted Date	
Agenda Item	48.
CAF#	G-01-45-700-022-911
Purchase Req. #	
Result	

Public Works

COMMITTEE NAME

RESOLUTION AUTHORIZING ACCEPTANCE, FINAL PAYMENT AND PROJECT CLOSE OUT TO CMS CONSTRUCTION, INC., FOR THE REPLACEMENT OF THE LINCOLN AVENUE CULVERT NO. 1600-151 OVER MORSETOWN BROOK IN THE TOWNSHIP OF WEST MILFORD, PER BID C-24-019, PURSUANT TO PURSUANT TO N.J.S.A. 40A:11-16.3(b) ET SEQ.

WHEREAS, the County of Passaic (hereafter “County”) is a body politic and corporate pursuant to N.J.S.A. 40:18-1 and vested with all rights contained therein; and

WHEREAS, pursuant to N.J.S.A. 40:20-1 the Board of County Commissioners of the County of Passaic (hereafter “Board”) is vested with managing the property, finances, and affairs of the County; and

WHEREAS, pursuant to N.J.S.A. 40A:11-16.3(b), et seq. the Board can authorize release of final payment upon acceptance of the work performed pursuant to the contract provided that the contract has been completed; and

WHEREAS, on August 19, 2024 the Purchasing Agent issued Replacement of Lincoln Avenue Culvert Structure No 1600-151 Over Morsetown Brook, Bid No. C-24-019 (hereafter “C-24-019”) seeking sealed proposals from qualified bidders to replace the Lincoln Avenue Culvert No. 1600-151 over Morsetown Brook in the Township of West Milford (hereafter “Project”); and

WHEREAS, on September 10, 2024, the Board approved Resolution No. R-24-0791, authorizing an award of contract to CMS Construction, Inc., the lowest responsible bidder under C-24-019, in an amount not to exceed one million seven hundred ninety-nine thousand one hundred ninety dollars (\$1,799,190.00); and

WHEREAS, pursuant to N.J.A.C. 5:30-11.3, et seq. the Board can authorize, permit, or accept change orders for work performed, services rendered, materials, supplies, or equipment delivered or provided pursuant to the conditions as set forth therein; and

WHEREAS, on July 15, 2025, the Board passed Resolution R-25-667, authorizing Change Order No. 1 for the project under C-24-019, in the increased amount of forty-nine thousand eight hundred twenty-nine dollars and ninety cents (\$49,829.90) due to additions and deletions of as-built quantities needed to complete the Project, with a final contract amount, as a result of the decrease, of one million seven hundred forty-nine thousand three hundred sixty dollars and ten cents (\$1,749,360.10); and

WHEREAS, the Passaic County Engineer is advising that the Project is complete and conforms to Passaic County’s construction plans, standard specifications, and other engineering standards, and is also requesting that the Board approve the Project’s close out, final acceptance, release of retainage, and final payment to CMS Construction, Inc., in the amount of seventy thousand seven hundred eighty eight dollars and sixty six cents (\$70,788.66); and

WHEREAS, this matter was discussed at the October 15, 2025, meeting of the Public Works Committee, and is being recommended to the Board for approval.

NOW, THEREFORE, LET IT BE RESOLVED, pursuant to N.J.S.A. 40A:11-16.3(b) et seq., by the Passaic County Board of County Commissioners hereby authorizes and approves project close out, final acceptance, release of retainage, and final payment to CMS Construction, Inc., in the amount of seventy thousand seven hundred eighty eight dollars and sixty six cents (\$70,788.66) for the replacement of Lincoln Avenue Culvert No. 1600-151 over Morsetown Brook in the Township of West Milford, and the Director of Finance is hereby authorized to make payment to said company on the next bill list.

LET IT BE FURTHER RESOLVED, that the Clerk of the Board, County Counsel, County Engineer, and Director of the Board of County Commissioners are authorized to execute an agreement and Form SA-1 for NJDOT Change Orders, as well as any NJDOT Reimbursement Forms and Documentation, and to take any other action necessary to carry out the purpose of this Resolution.

