

County of Passaic

Board of County Commissioners



OFFICE OF COUNTY COMMISSIONERS

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Date: Jun 23, 2026 - 5:30 PM

Agenda: RESOLUTION AUTHORIZING ACCEPTANCE, FINAL PAYMENT AND PROJECT CLOSE TO CMS CONSTRUCTION, INC., FOR THE REPLACEMENT OF PASSAIC AVENUE CULVERT NO. 1600-092 OVER MACDONALD BROOK IN THE CITY OF PASSAIC, PER BID C-24-014, 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.
COUNTY ADMINISTRATOR

APPROVED AS TO FORM AND LEGALITY:

Nadege D. Allwaters, Esq.
COUNTY COUNSEL

Public Works

COMMITTEE NAME

Official Resolution#	
Meeting Date	6/23/2026
Introduced Date	6/17/2026
Adopted Date	
Agenda Item	36.
CAF#	G-01-45-701-023-903
Purchase Req. #	
Result	

RESOLUTION AUTHORIZING ACCEPTANCE, FINAL PAYMENT AND PROJECT CLOSE TO CMS CONSTRUCTION, INC., FOR THE REPLACEMENT OF PASSAIC AVENUE CULVERT NO. 1600-092 OVER MACDONALD BROOK IN THE CITY OF PASSAIC, PER BID C-24-014, 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:11-4, et seq., every contract awarded by the County, for the provision or performance of any goods or services, the cost of which in the aggregate exceeds the bid threshold, shall be awarded only by resolution of the Board to the lowest responsible bidder after public advertising for bids and bidding thereof; and

WHEREAS, on November 6, 2024, the Purchasing Agent issued Replacement of Structure No. 1600-092 Passaic Avenue Culvert, Bid No. C-24-014 (hereafter "C-24-014") seeking sealed proposals from qualified bidders to replace the Passaic Avenue Culvert No. 1600-092 in the City of Passaic; and

WHEREAS, on December 30, 2024, the Board passed Resolution No. R24-1221 authorizing an award of contract to CMS Construction, Inc., the lowest responsible bidder under C-24-014, in an amount not to exceed two million one hundred twenty-one thousand nine hundred seven dollars (\$2,121,907.00); and

WHEREAS, pursuant to N.J.S.A. 40A:11-16.3(b), et seq. the Board can authorize release and final payment upon acceptance of the work performed pursuant to the contract provided that the contract has been completed; 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 forty seven thousand eight hundred eighty three dollars and seven cents (\$47,883.07); and

WHEREAS, the Project is being funded through a grant from the New Jersey Department of Transportation (hereinafter "NJDOT") Local Bridge Funding; and

WHEREAS, the City of Passaic will reimburse the County of Passaic for sanitary work requested by the City of Passaic during the replacement of the culvert; and

WHEREAS, this matter was discussed at the June 10, 2026 meeting of the Public Works Committee and is being recommended to the Board for approval; and

NOW, THEREFORE, LET IT BE RESOLVED, that the County Engineer is authorized and directed to comply with all of the general requirements for change orders as set forth in N.J.A.C. 5:30-11.3, et seq..

LET IT BE FURTHER RESOLVED, that 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 forty seven thousand eight hundred eighty three dollars and seven cents (\$47,883.07) for the replacement of the Passaic Avenue Culvert No. 1600-092 in the City of Passaic 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 County Engineer is authorized and directed to comply with all of the general requirements for change orders as set forth in N.J.A.C. 5:30-11.3, et seq.

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.

ZMQ

June 23, 2026