



ELMWOOD PARK BOARD OF EDUCATION
ELMWOOD PARK, NEW JERSEY

AGENDA
ADDENDUM 2
REGULAR MEETING
October 20, 2015

4. BUSINESS

F. Financial

F5. Approve Recertification of Payment to ENL Mechanical

Based upon recommendation of the architect, DiCara Rubino, the Elmwood Park Board of Education hereby approves recertification of payment #6 to ENL Mechanical in the amount of \$72,910.

Motion of: _____
 Seconded By: _____

Consent Vote on items: F5

	KC	DD	DG	KP	PS	DW	SZ	JF	LG
AYE									
NAY									
ABSENT									
ABSTAINED									
RECUSED									

L. Legal

L5. Approve Termination of Contract with ENL

WHEREAS, the Elmwood Park Board of Education (“Board”) entered into a contract (“Contract”) with ENL Mechanical, Inc. (“ENL”) for the New Boiler and Facilities Upgrades at Gantner Elementary School, Gilbert Elementary Schools and 16th Avenue Elementary School project (“Project”); and

WHEREAS, there have been several problems with the construction of the Project, including, without limitation, ENL's 1) failure to supply enough properly skilled workers or proper material, 2) failure to furnish the Board with assurance that ENL could complete the work in compliance with the requirements of the Contract Documents, failure, 3) failure to proceed continuously with the construction and completion of the work, and 4) breach of numerous provisions of the Contract Documents; and

WHEREAS, the Project Architect has advised the Board that the above listed items are each justification for the Board terminating the Contract for cause.

NOW, THEREFORE, BE IT RESOLVED,

that the Board hereby declares ENL to be in default of the Contract for the reasons set forth above; and

BE IT FURTHER RESOLVED,

that the Board hereby terminates the Contract with ENL effective seven (7) days following written notice of to ENL and its surety unless ENL remedies the defaults prior to that time; and

BE IT FURTHER RESOLVED,

that the Board hereby authorizes the Business Administrator to work with Board counsel to pursue all remedies available to the Board as a result of ENL's defaults.

Motion of: _____

Seconded By: _____

Consent Vote on items: L5

	KC	DD	DG	KP	PS	DW	SZ	JF	LG
AYE									
NAY									
ABSENT									
ABSTAINED									
RECUSED									