

**Draft Resolution 24-07 Authorization to Pay Contractor 95 Percent of The Value of The Work With The Balance Being Retainage**

**Whereas**, The Johnsville Public Utility District (JPUD) board of directors has contracted with Stewart Engineering Inc. to complete the Johnsville Tank Improvement and Liquid Chlorination Project

**Whereas** Timely payment of bills is a condition of our construction contract. Timely payment requires timely authorization by the JPUD to make such payments.

**Whereas** Article 22 specifically states:

A. Owner shall make progress payments on the basis of Contractor’s Applications for Payment on or about the 30th day of each month during performance of the Work as provided in Paragraph 22.02.A.1 below, provided that such Applications for Payment have been submitted in a timely manner and otherwise meet the requirements of the Contract. All such payments will be measured by the Schedule of Values established as provided in the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no Schedule of Values, as provided elsewhere in the Contract.

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Owner may withhold, including but not limited to liquidated damages, in accordance with the Contract.

a. 95 percent of the value of the Work completed (with the balance being retainage).

1) If 50 percent or more of the Work has been completed, as determined by Engineer, and if the character and progress of the Work have been satisfactory to Owner and Engineer, then as long as the character and progress of the Work remain satisfactory to Owner and Engineer, there will be no additional retainage; and

b. 95 percent of cost of materials and equipment not incorporated in the Work (with the balance being retainage).

**Now Therefore Be It Resolved**, that payments for the Johnsville Tank Improvement and Liquid Chlorination Project’s may be made in advance of regularly scheduled Board Meetings and/or Special Board Meetings and the contractor will be paid 95% percent of the value of the Work completed (with the balance being retainage).

**The foregoing Resolution 24-07 was duly passed and adopted by the Board of Directors of the Johnsville Public Utility District at a meeting of said Board on the 16th day of September, 2023 by the following vote:**

David Piepho	Aye	Nay
Don Fregulia	Aye	Nay
John LaTourrette	Aye	Nay

