

**SALEM COUNTY IMPROVEMENT AUTHORITY  
RESOLUTION 2021-76**

**June 10, 2021**

**RESOLUTION OF THE SALEM COUNTY IMPROVEMENT AUTHORITY  
AUTHORIZING REPAIR TO THE BOMAG**

**WHEREAS**, on or about April 5, 2021, the Bomag BC1172 machine (“Bomag”) used in connection with landfill operations by the Salem County Improvement Authority (“SCIA”) began to make a noise from the right front wheel when operating; and

**WHEREAS**, SCIA is obligated under the terms of the warranty agreement covering the Bomag to have all inspections and repair work done through Komatsu America Corp., (“Komatsu”) the authorized dealer for the Bomag company; and

**WHEREAS**, SCIA contacted Komatsu for the purpose of having the Bomag inspected and repaired under the extended warranty covering the Bomag; and

**WHEREAS**, investigation by Komatsu revealed that the right front drive motor had failed and needed to be replaced and that there was metal in the hydraulic line, which needed to be flushed and oil and filters needed to be replaced; and

**WHEREAS**, due to the continued presence of metal, the hydraulic system had to be flushed three times by Komatsu at a cost of \$17,513.95 (the “Hydraulic Flushes”); and

**WHEREAS**, the cost of the replacement of the right front drive motor was paid for by the warranty company covering the Bomag, the warranty company has denied payment for the three (3) Hydraulic Flushes; and

**WHEREAS**, SCIA maintains that the cost of the three (3) Hydraulic Flushes are and should be a covered expense under the warranty covering the Bomag; and

**WHEREAS**, SCIA has make claim under the warranty covering the Bomag for the cost of the three (3) Hydraulic Flushes; and

**WHEREAS**, SCIA has agreed to make payment to Komatsu for the Hydraulic Flushes while preserving and pursuing its claim for payment under the warranty covering the Bomag and under a reservation of rights letter forwarded at the time the claim was made; and

**WHEREAS**, given that the Bomag must be inspected and repaired through Komatsu, the authorized agent of the Bomag company under the terms of the warranty covering the Bomag or else the warranty would be voided, it was not viable to obtain quotes from other vendors for the Hydraulic Flushes; and

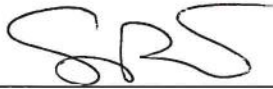
**WHEREAS**, funds are available in the Equipment Maintenance accounting line item in the full amount of the cost of the repair and same have been certified by the Certifying Officer;

Vendor: Komatsu America Corp.

Account Number	Amount	Department Description
01-05-120-518	\$17,513.95	Equipment Maintenance

**NOW, THEREFORE, BE IT RESOLVED.** that SCIA hereby authorizes payment in the amount of \$17,513.95 to Komatsu, with SCIA preserving its right to pursue its claim for payment of the repair costs, under the warranty covering the Bomag.

ATTEST:



\_\_\_\_\_  
Steven DiMatteo, Alt. Secretary/Treasurer



\_\_\_\_\_  
Cordy Taylor, Chairman

**CERTIFICATION**

I hereby certify the above to be a true copy of a resolution adopted by the Salem County Improvement Authority Board at their regular meeting held June 10, 2021.



\_\_\_\_\_  
Steven DiMatteo, Alt. Secretary/Treasurer