



CITY of NOVI CITY COUNCIL

www.cityofnovi.org

Agenda Item L
October 22, 2007

SUBJECT: Approval of the final balancing change order and final pay estimate to In-Line Construction for the Greenwood Oaks Sanitary Sewer Extension and Lift Station Abandonment project in the amount of \$32,497.80.

SUBMITTING DEPARTMENT: Engineering RA

CITY MANAGER APPROVAL: PWA For CVP

BACKGROUND INFORMATION:

The City's consulting engineer for this project (Fishbeck, Thompson, Carr & Huber) administered the contract for abandoning the Greenwood Oaks sanitary sewage lift station and extending gravity sewer along Beck Road. The project was awarded to In-Line Construction in January 2007 and work was substantially complete this past summer.

The sanitary sewer construction work performed by the contractor has been in substantial compliance with the plans and specifications, and final payment in the amount of \$32,497.80 is appropriate. In addition, the City Attorney has reviewed supporting documentation and found it to be in an acceptable form (Secrest-Wardle letter dated October 15, 2007, attached) except for three minor items associated with the contractor's sworn statement, which have since been corrected.

The original contract was approved at the January 8, 2007 City Council meeting in the amount of \$246,794. The final payment brings the total in construction expenditures on this project to \$247,127.85.

RECOMMENDED ACTION: Approval of the final balancing change order and final pay estimate to In-Line Construction for the Greenwood Oaks Sanitary Sewer Extension and Lift Station Abandonment project in the amount of \$32,497.80.

Table with 5 columns (Name, 1, 2, Y, N) and 4 rows (Mayor Landry, Mayor Pro Tem Capello, Council Member Gatt, Council Member Margolis)

Table with 5 columns (Name, 1, 2, Y, N) and 3 rows (Council Member Mutch, Council Member Nagy, Council Member Paul)

October 15, 2007

30903 Northwestern Highway  
P.O. Box 3040  
Farmington Hills, MI 48333-3040  
Tel: 248-851-9500  
Fax: 248-851-2158  
www.secretwardle.com

Elizabeth M. Kudla  
Direct: 248-539-2846  
bkudla@secretwardle.com

Marina Neumaier, Assistant Finance Director  
City of Novi  
45175 West Ten Mile Road  
Novi, Michigan 48375

**Re: Greenwood Oaks Sanitary Sewer Extension  
In-Line Construction – Closing Documents  
Our File No. 55142 NOV**

Dear Ms. Neumaier:

At your request, our office has reviewed the following documents in connection with the contract for the above-referenced matter:

- Final Pay Estimate No. 4
- Maintenance and Guarantee Bond
- Sworn Statement
- Consent of Surety
- Contract Modification Statement No. 2

It appears the City Engineer has signed both Final Pay Estimated No. 4 and Contract Modification Statement No. 2 confirming the amount to be paid to the Contractor. The closing documents for this project appear to be in order, with the following *minor modifications to the Sworn Statement*:

1. The Sworn Statement appears to be missing Paragraphs No. 1 and 2.
2. The “property” is not described in Paragraph 3, as the language indicates.
3. Paragraph No. 5 should be completed by the Contractor by indicating “contractor” and deleting the references to “subcontractor” and the blank space.

Marina Neumaier, Assistant Finance Director

October 15, 2007

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If you have any questions regarding the above, please do not hesitate to call.

Very truly yours,



ELIZABETH M. KUDLA

EMK

C: Clay Pearson, City Manager  
Rob Hayes, City Engineer  
Kathy Smith-Roy, Finance Director  
Thomas R. Schultz, Esquire

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Client: City of Novi  
 Project: Greenwood Oaks Diversion Sewer - G06232C1  
 Contractor: In-Line Construction

Pay Estimate No.: 4  
 Period: 5/19/07 - 6/20/07  
 Progress or Final: Final payment

Item No.	Item Description	Unit	Original Authorized Quantity	CM#1	CM#2	Final Authorized Quantity	Unit Price	Quantity This Estimate	Amount This Estimate	Quantity Previously Paid	Quantity Paid to Date	Total Amount Earned to Date
1	Mobilization	LS	1			1.0	\$4,000.00	\$	\$	1.0	1.0	\$ 4,000.00
2	Audio-Visual Coverage	LS	1			1.0	\$1,185.00	\$	\$	1.0	1.0	\$ 1,185.00
3	Remove and Replace Bituminous Pavement	SY	100			52.5	\$33.00	\$	\$	52.5	52.5	\$ 1,733.49
4	Remove Concrete Sidewalk	SF	1,600		249	1,600.0	\$0.50	209.00	100.00	1,600.0	1,800.0	\$ 900.00
5	Remove Wooden Boardwalk	LS	1			1.0	\$2,300.00	\$	\$	1.0	1.0	\$ 2,300.00
6	Remove Trees	EA	4		2	2.0	\$175.00	\$	\$	2.0	2.0	\$ 350.00
7	Tree Relocation	EA	2			2.0	\$300.00	\$	\$	2.0	2.0	\$ 600.00
8	Bulkhead Sewer 12-inch	EA	1			1.0	\$1,200.00	\$	\$	1.0	1.0	\$ 1,200.00
9	Bulkhead Force Main 3-inch	EA	2			2.0	\$300.00	\$	\$	2.0	2.0	\$ 600.00
10	Abandon Pump Station Structure	EA	1			1.0	\$2,500.00	\$	\$	1.0	1.0	\$ 2,500.00
11	Abandon Valve Pit Structure	EA	1			1.0	\$2,500.00	\$	\$	1.0	1.0	\$ 2,500.00
12	Remove and Salvage Signs	EA	1			1.0	\$220.00	\$	\$	1.0	1.0	\$ 220.00
13	5-foot Concrete Sidewalk	SF	3,450	555	223	3,781.9	\$9.20	230.00	736.00	3,551.9	3,781.9	\$ 12,102.08
14	8-foot Concrete Boardwalk	SF	1,800		68.8	1,868.8	\$3.20	68.64	219.65	1,600.0	1,668.6	\$ 5,339.65
15	8-foot Wooden Boardwalk	LF	350			350.0	\$245.70	\$	\$	350.0	350.0	\$ 85,995.00
16	4-foot PVC Sanitary Sewer	LF	268			268.0	\$365.50	\$	\$	268.0	268.0	\$ 97,489.00
17	4-foot Diameter Sanitary Manhole	EA	1			1.0	\$6,500.00	\$	\$	1.0	1.0	\$ 6,500.00
18	Sewer Tap 12-inch	EA	1			1.0	\$1,750.00	\$	\$	1.0	1.0	\$ 1,750.00
19	Soil Erosion and Sedimentation Control Measures	LS	1			1.0	\$2,060.00	\$	\$	0.5	1.0	\$ 4,120.00
20	Materials Compaction Testing	LS	1			1.0	\$5,000.00	\$	\$	1.0	1.0	\$ 5,000.00
21	Grading and Restoration	LS	1			1.0	\$9,100.00	\$	\$	1.0	1.0	\$ 9,100.00
22	Oakland County Sewer Inspection Permit	LS	1			1.0	\$775.00	\$	\$	1.0	1.0	\$ 775.00
EXTRA ITEMS												
	Grading and Restoration (48x50 11 Mile Road)	DLR	0	300.4	185.3	1,850.4	\$1.00	1,850.40	\$	1,850.40	1,850.4	\$ 1,850.40
	Force Account: Boardwalk Spindle Removal	DLR	0	150.5	150.5	150.50	\$1.00	150.50	\$	150.50	150.5	\$ 150.50
	Culv End Section, 12-inch, Conc	EA	0	2.0	2.0	\$1,131.70	2.00	\$ 2,263.40	\$	2,263.40	2.0	\$ 2,263.40
	ADA Warning Plate Insert	EA	0	2.0	2.0	\$309.00	2.00	\$ 618.00	\$	618.00	2.0	\$ 618.00
	Ditching	LF	0	133.0	133.0	\$14.20	133.00	\$ 1,888.60	\$	1,888.60	133.0	\$ 1,888.60
	Mach Blanket	SY	0	170.3	170.3	\$3.78	170.30	\$ 643.73	\$	643.73	170.3	\$ 643.73
	Material Testing	DLR	0	654.0	654.0	\$1.00	654.00	\$	654.00	654.0	654.0	\$ 654.00
	Liquidated Damages	DLR	0	-1,200.0	-1,200.0	\$1.00	(7,200.00)	\$	(7,200.00)	-	-	(7,200.00)

Current Earnings: \$ 20,054.28 Total Earnings: \$ 247,127.85  
 - Current Retainage: \$ -12,443.52 -Retainage to Date: \$ 0.00  
 - Current Adjustments: \$ - -Adjustments to Date: \$ -  
 Current Net Estimate: \$ 32,437.80 Total Net: \$ 247,127.85  
 Amount Due This Estimate: \$ 32,437.80  
 OK  
 9/21/07

I certify that the items included on this report constitute my estimate of the work completed and due the contractor for the period covered by this document.  
 Ms. Karen E. Carrigo P.E. - Project Engineer  
 I have reviewed this estimate on behalf of In-Line Construction and concur with the quantities presented for the period covered by this document.  
 authorized signature  
 Printed Name: Robert A. CHAPMAN



# Contract Modification

Fishbeck, Thompson, Carr and Huber, Inc.

8/27/2007 11:42 AM

FieldManager 4.2b

**Contract: \_G06232CI, Greenwood Oaks Sewer Extension**

<b>Cont. Mod. Number</b> 2	<b>Revision Number</b> 2	<b>Cont. Mod. Date</b> 8/27/2007	<b>Electronic File Created</b> No	<b>Net Change</b> \$-1,742.55	<b>Awarded Contract Amount</b> \$246,794.00
<b>Route</b>		<b>Federal Number</b>			<b>District</b> 0
<b>Managing Office</b> Fishbeck, Thompson, Carr & Huber, Inc.					
<b>Contract Location</b> Novi, MI					

### Short Description

Final Balance All Items; Add Extra Items; Final Extension of Time

### Description of Changes

It is requested that the following Extra items be added to the contract and the Original item be balanced as shown below.

### Increases / Decreases

Item Description	Item Code	Prop. Line	Proj. Line	Project	Catg.	Item Type	Quantity Change	Unit	Unit Price	Dollar Value
_ Grading Restoration	1047060	0023	0115	G06232CI	0001	Extra	1,550.000	Dir	1.00000	\$1,550.00
Reason: It was requested by the City that additional sidewalk, culvert and restoration be placed between the driveways of 26800 Beck Road (Vision Spa Salon) and the adjacent Remax Property on Beck Road, as directed by the Engineer.										
5-foot Concrete Sidewalk	_6232013	0013	0065	G06232CI	0001	Original	-223.100	SF	3.20000	\$-713.92
8-foot Concrete Pathway	_6232014	0014	0070	G06232CI	0001	Original	68.640	SF	3.20000	\$219.65
Remove and Replace Bituminous Pavement	_6232003	0003	0015	G06232CI	0001	Original	-47.470	SY	33.00000	\$-1,566.51
Remove Concrete Sidewalk	_6232004	0004	0020	G06232CI	0001	Original	200.000	SY	0.50000	\$100.00

Reason: It was requested by the City that additional sidewalk, culvert and restoration be placed between the driveways of 26800 Beck Road (Vision Spa Salon) and the adjacent Remax Property on Beck Road, as directed by the Engineer.



# Contract Modification

Fishbeck, Thompson, Carr and Huber, Inc.

8/27/2007 11:42 AM

FieldManager 4.2b

## Increases / Decreases

Item Description	Item Code	Prop. Line	Proj. Line	Project	Catg.	Item Type	Quantity Change	Unit	Unit Price	Dollar Value
Remove Trees	_623200E	0006	0030	G06232CI	0001	Original	-2.000	EA	175.00000	\$-350.00

Total Dollar Value: \$-760.78

## New Items

Item Description	Item Code	Prop. Line	Proj. Line	Project	Catg.	Item Type	Proposed Quantity	Unit	Unit Price	Dollar Value
_ Force Account: Boardwalk Spindle Removal	1047060	0031	0155	G06232CI	0001	Extra	150.500	Dir	1.00000	\$150.50

Reason: It was requested by the City that approximately 60 linear feet of spindles be removed from the 11 Mile Road boardwalk on the southeasterly side of the boardwalk, as directed by the Engineer.

_ Material Testing	1047060	0032	0160	G06232CI	0001	Extra	654.000	Dir	1.00000	\$654.00
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Reason: Additional material testing was required for the extra work that was added to the contract.

_ Liquidated Damages	1047060	0033	0165	G06232CI	0001	Extra	-7,200.000	Dir	1.00000	\$-7,200.00
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Reason: Liquidated damages are being assess to the contractor for the days worked beyond the extended final completion date of June 9, 2007. the contractor's last day of work on this project was June 15, 2007. The contract value for liquidated damages per day is \$1200.00. Six days are being charged for a total of \$7200.00.

_ Culv End Section, 12 inch, Conc	4027050	0026	0130	G06232CI	0001	Extra	2.000	Ea	1,131.70000	\$2,263.40
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Reason: It was requested by the City that additional sidewalk, culvert and restoration be placed between the driveways of 26800 Beck Road (Vision Spa Salon) and the adjacent Remax Property on Beck Road, as directed by the Engineer.

_ ADA Warning Plate Insert	8047050	0027	0135	G06232CI	0001	Extra	2.000	Ea	309.00000	\$618.00
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Reason: It was requested by the City that additional sidewalk, culvert and restoration be placed between the driveways of 26800 Beck Road (Vision Spa Salon) and the adjacent Remax Property on Beck Road, as directed by the Engineer.

_ Ditching	8137001	0029	0145	G06232CI	0001	Extra	133.000	Ft	14.20000	\$1,888.60
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Reason: It was requested by the City that ditching and mulch blanket be placed along the boardwalk on Beck Road, as directed by the Engineer, to improve drainage and protect restoration from future rainfall runoff.



# Contract Modification

Fishbeck, Thompson, Carr and Huber, Inc.

8/27/2007 11:42 AM

FieldManager 4.2b

## New Items

Item Description	Item Code	Prop. Line	Proj. Line	Project	Catg. ItemType	Proposed Quantity	Unit	Unit Price	Dollar Value
Mulch Blanket	8160027	0030	0150	G06232CI	0001 Extra	170.300	Syd	3.78000	\$643.73

Reason: It was requested by the City that ditching and mulch blanket be placed along the boardwalk on Beck Road, as directed by the Engineer, to improve drainage and protect restoration from future rainfall runoff.

Total Dollar Value: \$-981.77

## Time Extensions

Site	Site Description	Site Type	Original Compl. Date/Days	Additional No. of Days	New Compl. Date/Days
00	Overall Contract Site	Completion Date	6/1/2007		8/27/2007

Reason: The new completion date is being set to August 27, 2007 for the purpose of generating the final estimate. A final extension of time to June 9, 2007, is being granted to the contractor for the extra work that was added to the contract. The extra work includes drainage and sidewalk work on Beck Road (near Vision Spa and Remax) and ditch work on Beck Road, near Cider Mill Blvd., from Sta 1+00 to Sta 2+00. Liquidated damages are being charged from June 9, 2007, to June 15, 2007, which was the contractor's final day of work on this project. This extension and the liquidated damages have been discussed with and approved by the City of Novi.

## Project / Category Summary

Project	Catg.	Project/Category Description	Project Status	Finance System	Control Section	Dollar Value
G06232CI		Greenwood Oaks Sewer Extension	CNST			

0001 Greenwood Oaks Sewer Extension \$-1,742.55

Total: \$-1,742.55

Total Net Change Amount: \$-1,742.55

Prime Contractor: In-Line Construction	City of Novi
(Signature)	(Date)
Prepared by Project Engineer: Ms. Karen E. Carnago - FTG&H	8/31/07
(Signature)	(Date)

SWORN STATEMENT  
 (COMMERCIAL)

*Revised*  
*10/17/07*  
*[Signature]*

Robert A. Chapman being duly sworn deposes and says:

- 1) That In-Line Construction is the (Contractor) for an improvement to the property described on the reverse hereof.
- 2) That the following is a statement of each subcontractor and supplier and laborer, for which the payment of wages or fringe benefits and withholdings is due but unpaid, with whom the (Contractor) has (Subcontracted) for performance under the contract with the owner of lessee thereof, and that the amounts due to the persons as of the date hereof are correctly and fully set forth opposite their names as follows:

	Name of subcontractor, supplier or laborer	Type of improvement furnished	Total contract price	Contract change + -	Adj. contract amt.	Amt. already paid	Amt. currently owing	Retainage	Balance to complete
1	Construction Video Media	Video	1,185.00		1,185.00	(1,185.00)			0.00
2	Efficiency Production	Equipment Rental	13,261.20		13,261.20	(3,339.00)	9,922.20		9,922.20
3	Hastings Testing Engineers and Environmental	Testing	6,449.00		6,449.00	(4,780.00)	1,669.00		1,669.00
4	Armand Dewatering	Dewatering	11,196.00		11,196.00	(11,196.00)			0.00
5	HD Supply Waterworks	Underground Utility Supplier	6,960.33		6,960.33	(6,358.31)	602.02		602.02
6	Lars/David, Inc.	Carpentry	61,775.00		61,775.00	(55,597.50)	6,177.50		6,177.50
7	Midwest Power Systems	Electrical	4,000.00		4,000.00		4,000.00		4,000.00
8	Hutch Paving	Asphalt paving	975.00		975.00		975.00		975.00
9									0.00
10									0.00
11									0.00
12	IN-LINE CONSTRUCTION	Misc. Labor & Materials	140,992.47	333.85	141,326.32	(132,174.24)	9,152.08		9,152.08
13									0.00
14									0.00
15									0.00
16									0.00
17									0.00
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38	-----TOTALS-----		246,794.00	333.85	247,127.85	(214,630.05)	32,497.80	0.00	32,497.80
	NOTE: SOME COLUMNS ARE NOT APPLICABLE TO ALL PERSONS LISTED		A	B	C	D	E	F	G



3) The contracts or subcontracts cited herein are for improvement to the following described real property situated in Oakland County, Michigan, described as:

Greenwood Oaks Sewer Extension Project

- 4) That the contractor has not procured material from, or subcontracted with, any person other than those set forth above and owes no money for the improvement other than the sums set forth above.
- 5) Deponent further says that he or she makes the foregoing statement as the **contractor** for the purpose of representing to the owner or lessee of the above-described premises and his or her agents that the above-described property is free from claims of construction liens, or the possibility of construction liens, except as specifically set forth above and except for claims of construction liens by laborers which may be provided pursuant to section 109 of the Construction Lien Act, Act No. 497 of the Public Acts of 1980, as amended, being Section 570.1109 of the Michigan Compiled Laws.

**WARNING (TO OWNER):** AN OWNER OR LESSEE OF THE ABOVE-DESCRIBED PROPERTY MAY NOT RELY ON THIS SWORN STATEMENT TO AVOID THE CLAIM OF A SUBCONTRACTOR, SUPPLIER, OR LABORER WHO HAS PROVIDED A NOTICE OF FURNISHING (OR A LABORER WHO MAY PROVIDE A NOTICE OF FURNISHING PURSUANT TO SECTION 109 OF THE CONSTRUCTION LIEN ACT) TO THE DESIGNEE OR TO THE OWNER OR LESSEE IF THE DESIGNEE IS NOT NAMED OR HAS DIED.

It is understood that the total amount paid to date plus the amount requested in this application shall not exceed 90% of the cost of work completed to date.

Signed

Robert A. Chapman

Robert A. Chapman, President

Subscribed and sworn to before me this

17<sup>th</sup> day of October, 2007

LAURA J. OCHENSKI  
Notary Public, State of Michigan  
County of Macomb  
My Commission Expires Sep. 29, 2011  
Acting in the County of Macomb

Laura J. Ochenski  
NOTARY PUBLIC

**WARNING TO DEPONENT:** A PERSON, WHO WITH INTENT TO DEFRAUD, GIVES A FALSE SWORN STATEMENT IS SUBJECT TO CRIMINAL PENALTIES AS PROVIDED IN SECTION 110 OF THE CONSTRUCTION LIEN ACT, ACT NO. 497 OF THE PUBLIC ACTS OF 1980, AS AMENDED, BEING SECTION 570.1110 OF THE MICHIGAN COMPILED LAWS.