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CITY of NOVI CITY COUNCIL

Agenda Item J
March 8, 2010

SUBJECT: Approval of the Final Payment to Windemuller Electric, Inc., for the sanitary sewer Supervisory Control and Data Acquisition (SCADA) Implementation project in the amount of \$21,025.25.

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division *ELC*

CITY MANAGER APPROVAL: *[Signature]*

EXPENDITURE REQUIRED	\$420,505.00
AMOUNT INCLUDED IN CIP	\$500,000.00 (includes \$44,269 previously awarded for engineering)
ADDITIONAL AMOUNT REQUIRED	n/a
LINE ITEM NUMBER	592-592.00-158.050 (Water and Sewer Fund)

BACKGROUND INFORMATION:

The City's consulting engineer for this project, Stantec Consulting Michigan, Inc. (Stantec), administered the construction contract for the sanitary sewer Supervisory Control and Data Acquisition (SCADA) Implementation project. Stantec has executed and submitted the attached documents verifying the final contract payment amount that is due to the construction contractor, Windemuller Electric, Inc., of Wayland, MI. The completed project enables Water and Sewer Division personnel to remotely monitor the operation of the City's sanitary pump stations and lift stations as well as the flow meter at the outlet to Wayne County.

The work performed by the contractor was in substantial compliance with the plans and specifications, and final payment in the amount of \$21,025.25 is appropriate. In addition, the City Attorney has reviewed supporting documentation and found it to be in an acceptable form (Beth Kudla's September 4, 2009 letter, attached). The original contract was approved at the April 21, 2008 City Council meeting in the amount of \$398,400.00.

There were five (5) change orders associated with the project resulting in a net increase of \$22,105 to the construction contract. All of the change orders were initiated by the City to improve the project when completed. The first change order in the amount of \$6,150.00 was for a server enclosure at the Field Services Complex to protect the new SCADA servers from the dusty and warm environment in the server room. The second change order was issued to the contractor to upsize the Uninterruptable Power Supply (UPS) for the servers in the Civic Center and Field Services Complex, in the amount \$1,260.00. The third and fourth change orders were issued to the contractor in the amount of \$10,715.00 and \$8,980.00, respectively, to add remote access and status of the SCADA network to each lift station generator allowing Water & Sewer Division staff to remotely monitor and control the generators at each station. The fifth and final change order was for a net decrease of \$5,000.00 in contract price to remove the Bellagio Lift Station from the contract since it had not been upgraded in time to require SCADA networking. The total work performed including change orders on this project result in a final contract price of \$420,505.00. The total project, including engineering costs, was completed within the project budget of \$500,000.

RECOMMENDED ACTION: Approval of the Final Payment to Windemuller Electric, Inc., for the sanitary sewer Supervisory Control and Data Acquisition (SCADA) Implementation project in the amount of \$21,025.25.

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Gatt				
Council Member Crawford				
Council Member Fischer				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

SECRET
SW
WARDLE

September 4, 2009

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

Suzanne Moreno, Finance Department
City of Novi
45175 West Ten Mile Road
Novi, Michigan 48375

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

**Re: Sanitary Lift Stations SCADA Project
Windemuller Electric – Closing Documents
Our File No. 55142 NOV**

Dear Ms. Moreno:

We have received and reviewed the following closing documents you have provided for the Sanitary Lift Stations SCADA Project:

- Final Pay Estimate No. 8
- Engineer's Certificate No. 8
- Sworn Statement
- Maintenance and Guarantee Bond and Rider
- Consent of Surety
- Waivers of Lien

Subject to approval of the Final Pay Estimate No. 8 by the City's Public Services Director, the closing documents appear to be in order.

Please let us know if you need anything additional or if you have any questions regarding the above, please do not hesitate to call.

Very truly yours,


ELIZABETH M. KUDLA

EMK

cc: Clay Pearson, City Manager
Kathy Smith-Roy, Finance Director
Rob Hayes, Public Services Director
Aaron Staup, Construction Engineering Coordinator
Greg Schofer, Stantec
Thomas R. Schultz, Esquire

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Stantec Consulting Michigan Inc.
3959 Research Park Drive
Ann Arbor MI 48108-2216
Tel: (734) 761-1010
Fax: (734) 761-1200

Stantec

September 4, 2009
File: 2075108500

City of Novi Engineering Department
26300 Delwal Drive
Novi, Michigan 48375-5683

Attention: Mr. Brian Coburn, P.E., Senior Civil Engineer

Dear Mr. Coburn:

**Reference: Sanitary Lift Station SCADA Improvements
Engineer's Certificate No. 8
Final Pay**

Enclosed please find attached two (2) copies of Engineer's Certificate No. 8 for the period ending August 19, 2009. During this period the contractor has completed the work related to the contact. We recommend payment in the amount of Twenty-One Thousand and Twenty Five and 25/100 Dollars (\$21,025.25).

Please send one (1) copy of the Engineer's Certificate with payment to Windemuller Electric, Inc. If you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,

STANTEC CONSULTING MICHIGAN INC.

Gregory S. Schofer, LEED® AP
Project Manager
Tel: (734) 214-1852
Fax: (734) 761-1200
greg.schofer@stantec.com

Attachment: Engineer's Certificate No. 8 (2 copies)

c. Aaron Staup, Novi
File



Stantec

3959 Research Park Drive
Ann Arbor, Michigan 48108-2219
734-761-1010
734-761-1200 (Fax)

DATE: August 19, 2009

ENGINEER'S CERTIFICATE

No: 8 Project No.: 2075108500 Period Ending: August 19, 2009

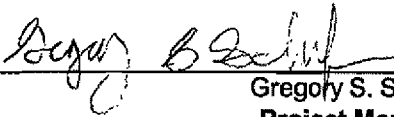
CONTRACTOR: Windemuller Electric, Inc.
1176 Electric Avenue
Wayland, MI 49348

CONTRACT FOR: Sanitary Lift Station SCADA Improvements

OWNER: City of Novi
45175 W Ten Mile Road
Novi, Michigan 48375-5683

SUMMARY

ORIGINAL CONTRACT AMOUNT	<u>\$ 398,400.00</u>
NET CHANGE BY CHANGE ORDER NOS. 1-5	<u>\$ 22,105.00</u>
CURRENT CONTRACT AMOUNT	<u>\$ 420,505.00</u>
TOTAL EARNED ON CONTRACT TO DATE	<u>\$ 420,505.00</u>
COUNTERCHARGES	
a. Retentions _____ %	\$ _____
b. Deductions _____ %	_____
TOTAL COUNTERCHARGES	<u>\$ -</u>
NET TOTAL DUE	<u>\$ 420,505.00</u>
PREVIOUS PAYMENTS RECOMMENDED	<u>\$ 399,479.75</u>
BALANCE DUE THIS PAYMENT	<u>\$ 21,025.25</u>

RECOMMENDED BY: 
Gregory S. Schofer
Project Manager

SWORN STATEMENT
Pay App 8

STATE OF MICHIGAN
COUNTY OF KENT

Steven E. Alles, being duly sworn, deposes and says that Windemuller Electric, Inc. is the (contractor) (subcontractor) for an improvement to the following described real property situated in Kent County, Michigan, described as follows: NOVI - LS SCADA.

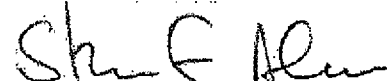
That the following is a statement of each subcontractor and supplier and laborer, for which labor the payment of wages or fringe benefits and withholdings is due but unpaid, with whom the (contractor) (subcontractor) has (contracted) (subcontracted) for performance under the contract with the owner or 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/Laborer	Type of Improvement/Furnishings	Total Contract Price	Amount Already Paid	Amount Currently Owed	Balance to Complete (Contract) Unpaid	Amount of Laborer Wages Due but Unpaid	Amount of Laborer Fringe Benefits and Withholdings Due but Unpaid
Kennedy Industries	Material	312,945.00	312,945.00	0.00	0.00		
Windemuller	Lab & Material	107,660.00	86,534.75	21,025.25	0.00		
TOTALS		420,605.00	399,479.75	21,025.25	0.00		

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.

Deponent further says that he or she makes the foregoing statement as the (contractor) (subcontractor) or as Accountant of the (contractor) (subcontractor) for the purpose of representing to the owner or lessee of the above-described premises and his or her agents that the above-describe 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.


(Deponent)

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.