



CITY of NOVI CITY COUNCIL

Agenda Item L
June 9, 2008

SUBJECT: Approval of the final balancing change order and final payment in the amount of \$40,174.05 to Midwest Power Systems, Inc. for the Lanny's Sanitary Sewage District Relief Sewer/Pump Station Project, located on the west side of Beck Road off of Providence Hospital's southeast entrance drive.

SUBMITTING DEPARTMENT: Engineering *R4*

CITY MANAGER APPROVAL: *[Signature]*

EXPENDITURE REQUIRED	N/A
AMOUNT BUDGETED	N/A
APPROPRIATION REQUIRED	N/A
LINE ITEM NUMBER	N/A

BACKGROUND INFORMATION:

The City's consulting engineer for this project (FTCH) administered the construction contract for this new sanitary sewage lift station in 2007. FTCH has executed and submitted the attached documents verifying the final contract payment amount that is due to the construction contractor, Midwest Power Systems, Inc. (FTCH's Final Pay Estimate No. 4 and Balancing Change Order No. 2, attached).

The station construction work performed by the contractor has been in substantial compliance with the plans and specifications, and final payment in the amount of \$40,174.05 is appropriate. In addition, the City Attorney has reviewed supporting documentation and found it to be in an acceptable form. The original contract was approved at the March 19, 2007 City Council meeting in the amount of \$643,481. There were no cost-related change orders on this project, so final payment brings the total in construction expenditures on this project to \$643,481.

RECOMMENDED ACTION: Approval of the final balancing change order and final payment in the amount of \$40,174.05 to Midwest Power Systems, Inc. for the Lanny's Sanitary Sewage District Relief Sewer/Pump Station Project.

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

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

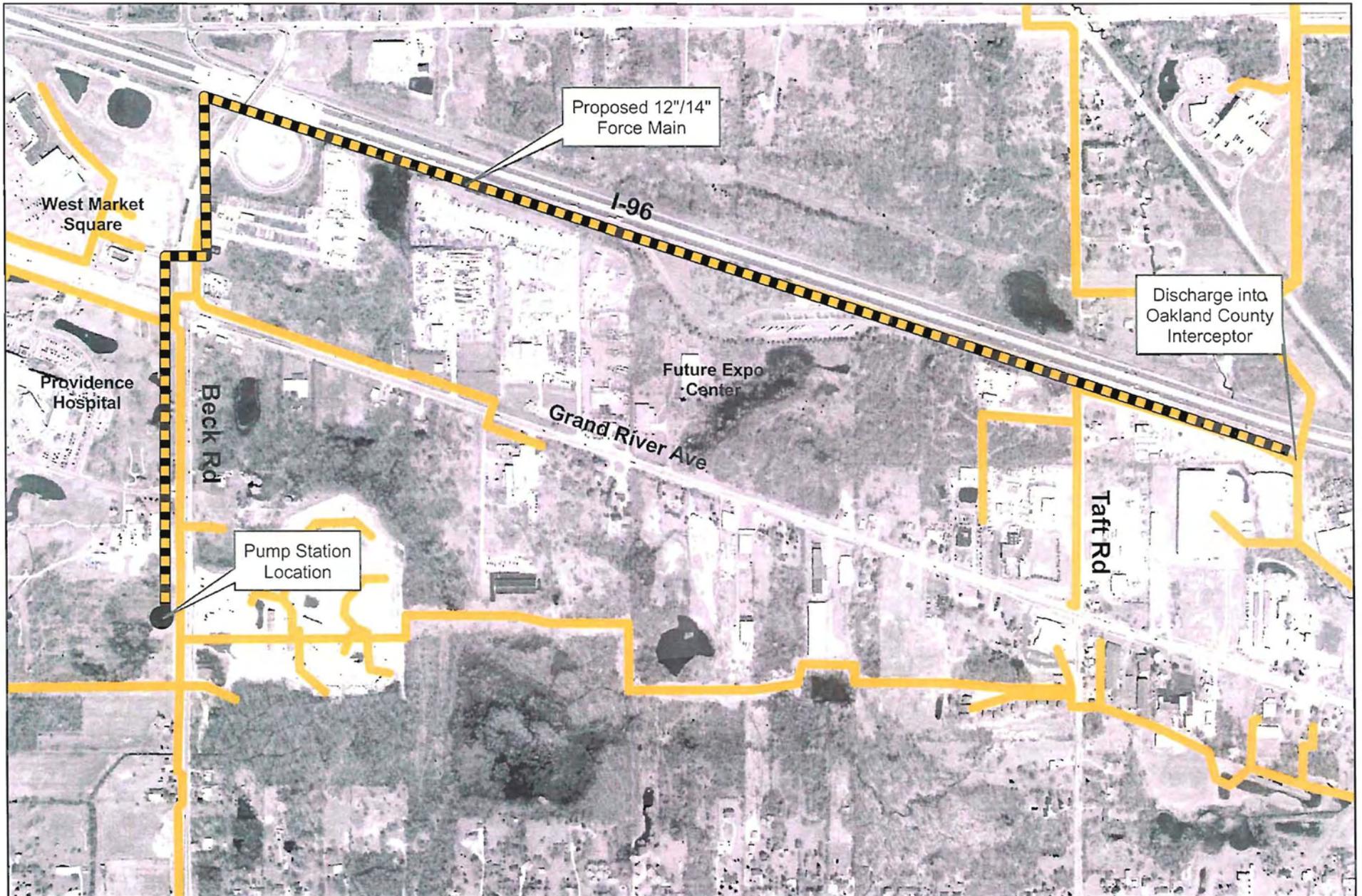


Figure 3 Proposed Force Main Route (Alternatives 1 & 1A)



Legend

- Proposed Pump Station
- Existing Sanitary Mains
- Proposed Sanitary Mains





Contract Modification

Fishbeck, Thompson, Carr and Huber, Inc.

5/14/2008 9:43 AM

FieldManager 4.3a

Contract: _05264PS, Lanny's Pump Station Improvements No. 1

Cont. Mod. Number	Revision Number	Cont. Mod. Date	Net Change	Awarded Contract Amount
2		5/14/2008	\$0.00	\$643,481.00
Route				
Contract Location				

Short Description

Final Extension of Time

Description of Changes

It is requested that the contract time be extended as shown below.

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	12/11/2007		3/27/2008

Reason: The contract completion date is to be extended from the revised completion date of March 6, 2008 per Contract Modification No. 1 to March 27, 2008. The overall contract completion date is to be extended without liquidated damages. It was determined by the City of Novi that DTE delays, building permit delays, winter shut down and weather dependent punch list items prevented the Contractor from achieving substantial completion of the project within the time frame allowed. The extension of the completion date without assessment of liquidated damages has been approved by the City of Novi.

Prime Contractor: Midwest Power Systems, Inc. (Signature)	 5-14-08 (Date)	City of Novi (Signature)	 5/23/08 (Date)
Prepared by Project Engineer: Ms. Karen E. Carnago, PE - FTC&H (Signature)	5-14-08 (Date)		

APPLICATION AND RECOMMENDATION FOR PAYMENT
PAGE 1 OF 2

TO: City of Novi
In Care of: Fishbeck, Thompson, Carr & Huber, Inc. (FTC&H)
39255 Country Club Drive, Suite B-25
Farmington Hills, MI 48331

FROM (Contractor): Midwest Power Systems, Inc.

Application No: 4 Final Pay Estimate
Period From: 3/28/2008
To: 3/28/2008

Project: Lanny's Pump Station Improvements No. 1
Project Number: G05264PS

APPLICATION FOR PAYMENT:

Application for Payment is made, as shown below, in connection with the Contract. Schedule of Values sheet is attached.

	<u>Lanny's Pump Station</u>	<u>Total</u>
1 Original Contract Amount	\$643,481.00	\$643,481.00
2 Net change by Change Orders	\$0.00	\$0.00
3 Current Contract Price (1 plus 2)	\$643,481.00	\$643,481.00
4 Total Completed and Stored to Date (Column G)	\$643,481.00	\$643,481.00
5 Retainage (Per Agreement)		
Total Retainage	5% of Contract:	\$32,174.05
6 Total Completed and Stored to Date Less Retainage (4 minus 5)		\$643,481.00
7 Less Previous Payments		\$603,306.95
8 Due This Application (6 minus 7)		\$40,174.05

\$40,174.05

6k
R.H.

5/23/08

APPLICATION AND RECOMMENDATION FOR PAYMENT
PAGE 2 OF 3

CHANGE ORDER SUMMARY:

Change Orders Approved by Owner	ADDITIONS	DEDUCTIONS
Change Order No. 1	N/A	N/A
Change Order No. 2	N/A	N/A
Net Change by Change Orders	N/A	N/A

CONTRACTOR'S CERTIFICATION:

Undersigned Contractor certifies that (1) all previous progress payments received from Owner on account of Work done under the Contract referred to above have been applied on to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment numbered 1 through _31_ inclusive; and (2) title of all materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as covered by a Bond acceptable to Owner indemnifying Owner against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective.

Dated 5-19-08

Midwest Power Systems, Inc.
Contractor

By 
(Signature)

Brent Canup, Project Manager
Name and Title of Signatory

ENGINEER'S RECOMMENDATION:

To: City of Novi, Michigan

In accordance with the Contract, the undersigned recommends payment to Contractor.

AMOUNT RECOMMENDED:

(Attach explanation if amount recommended differs from the amount applied for.)

\$40,174.05

ENGINEER: Fishbeck, Thompson, Carr & Huber, Inc.

Dated 5-14-08

By 
(Signature)

Karen E. Carnago, Project Engineer
Name and Title of Signatory

This Recommendation is not negotiable. The AMOUNT RECOMMENDED is payable only to Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of Owner or Contractor under this Contract.

APPLICATION AND RECOMMENDATION FOR PAYMENT
PAGE 2 OF 2

Schedule of Values Lanny's Pump Station

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUES	D E F WORK COMPLETED			G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H % (G/C)	I BALANCE TO FINISH (C-G)
			Previous Applications	This Application				
				Work in Place	Stored Materials (not in D or E)			
1	Structures and Excavation wet well valve vault diversion chamber flow meter vault	\$350,000.00	\$ 350,000.00			\$ 350,000.00	100%	\$0.00
2	Mechanical wet well process piping valve vault process piping flow meter	\$75,000.00	\$ 75,000.00			\$ 75,000.00	100%	\$0.00
3	Building footings slab masonry roofing doors louvers electrical generator	\$100,000.00	\$ 95,000.00	\$ 5,000.00		\$ 100,000.00	100%	\$0.00
4	Driveway aggregate base bituminous paving culvert pipe	\$53,481.00	\$ 53,481.00			\$ 53,481.00	100%	\$0.00
5	Landscaping/Restoration sprinklers grading trees and shrubs seeding and mulching	\$15,000.00	\$ 12,000.00	\$ 3,000.00		\$ 15,000.00	100%	\$0.00
6	Mobilization equipment move in dewatering	\$50,000.00	\$ 50,000.00			\$ 50,000.00	100%	\$0.00
	Total	\$643,481.00	\$635,481.00	\$8,000.00	\$0.00	\$643,481.00		\$0.00