



**CITY of NOVI CITY COUNCIL**

**Agenda Item H  
October 14, 2013**

**SUBJECT:** Approval of the final payment to PAVEX Corporation for the Village Wood Lake Park Improvements project in the amount of \$2,538.59.

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

**CITY MANAGER APPROVAL:**

<b>EXPENDITURE REQUIRED</b>	<b>\$ 2,538.59</b>
<b>AMOUNT BUDGETED</b>	<b>\$ 0 (Included in Rollover Budget Amendment)</b>
<b>LINE ITEM NUMBER</b>	<b>208-691.00-974.300</b>

**BACKGROUND INFORMATION:**

The Village Wood Lake Park Improvements project was awarded to PAVEX Corporation in the amount of \$30,088 at the September 10, 2012 City Council meeting. The project included the addition of a parking lot and walking trail to access a picnic area at the park's west end.

Engineering staff verified the final contract payment amount of \$2,538.59 that is due the contractor (see Final Pay Estimate, attached). The City Attorney reviewed the documentation and found it to be in an acceptable form (Beth Saarela's September 30, 2013 letter, attached).

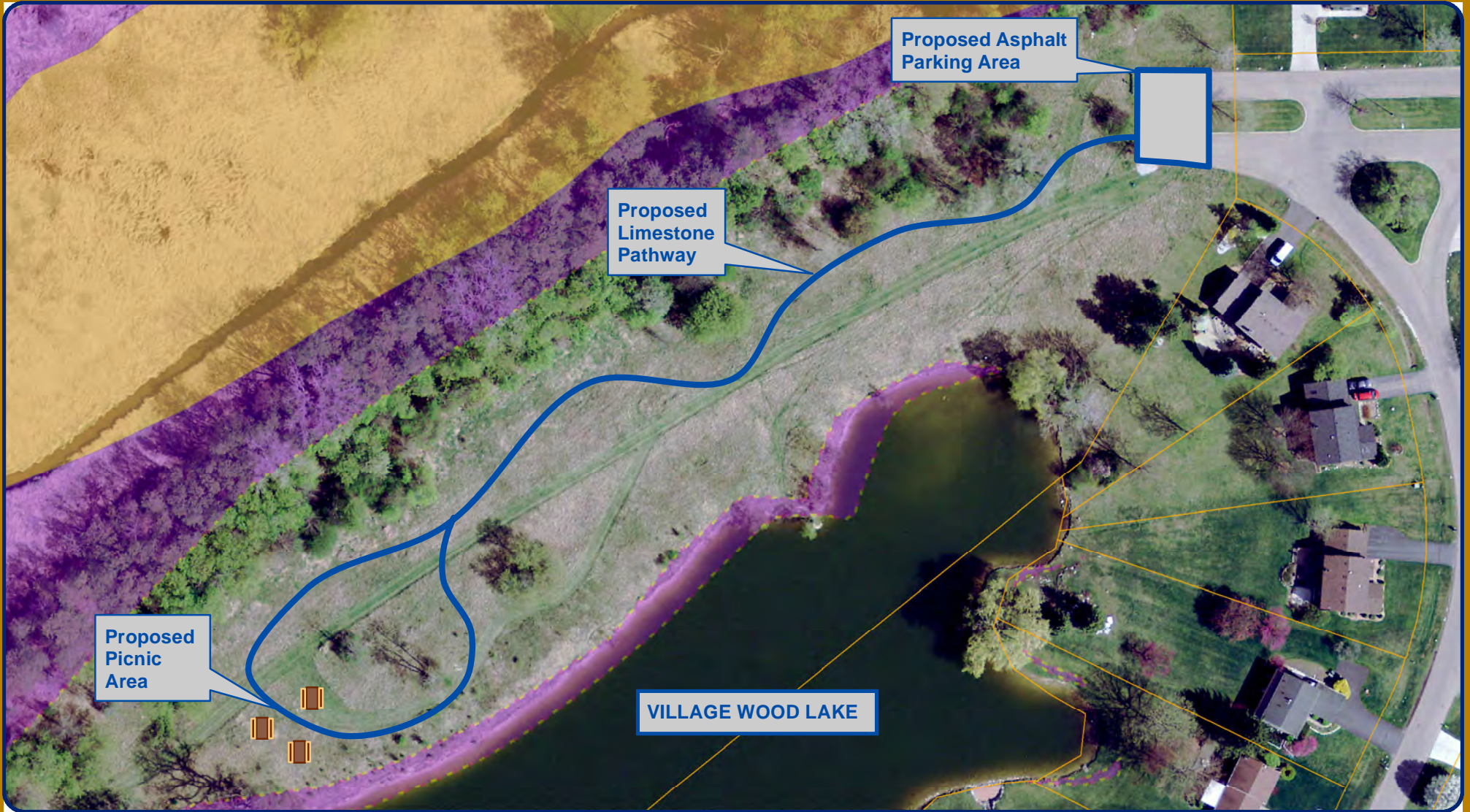
There was one approved change order for this project resulting in a net decrease of \$3,256.15 to the construction contract or 10.8% under the awarded amount. The change order balanced original quantities for pathway construction, tree removal and parking lot construction. The approved change orders resulted in a final contract price of \$26,831.85.

**RECOMMENDED ACTION:** Approval of the final payment to PAVEX Corporation for the Village Wood Lake Park Improvements project in the amount of \$2,538.59.

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

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

# VILLAGE WOOD LAKE PARK






Map Author: Erica Morgan  
 Date: 04/16/2012  
 Project: Village Wood Lake Park  
 Version #: 2

Amended By:  
 Date:  
 Department:

**MAP INTERPRETATION NOTICE**

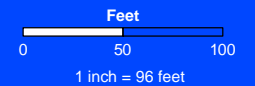
Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

## Map Legend

-  FLOODWAY
-  Wetlands
-  Novi Tax Parcel BSA



City of Novi  
 Engineering Division  
 Department of Public Services  
 26300 Delwal Drive  
 Novi, MI 48375  
[cityofnovi.org](http://cityofnovi.org)



## Photos of Completed Work at Village Wood Lake Park





JOHNSON ROSATI SCHULTZ JOPPICH PC

34405 W. Twelve Mile Road, Suite 200 ~ Farmington Hills, Michigan 48331-5627

Phone: 248.489.4100 | Fax: 248.489.1726

Elizabeth Kudla Saarela  
esaarela@jrsjlaw.com

www.johnsonrosati.com

September 30, 2013

Victor Cardenas  
Assistant City Manager/Interim Finance Director  
CITY OF NOVI  
45175 W. Ten Mile Road  
Novi, MI 48375

**RE: Village Wood Lake Park Improvements  
Pavex Corporation**

Dear Mr. Cardenas:

We have received and reviewed the following closing documents for the Village Wood Lake Park Improvements Project:

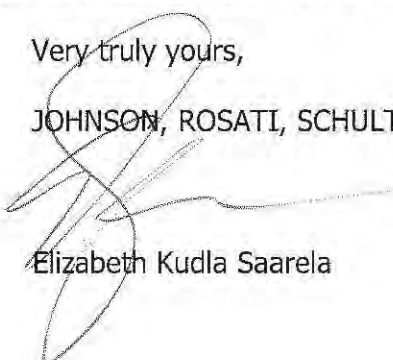
1. Application for Final Payment
2. Contractor's Sworn Statement
3. Consent of Surety

The contractor has confirmed no suppliers or subcontractors were used for the project. On that basis, no waivers of lien have been provided. The closing documents appear to be in order and have been approved by City Staff. The contractor should provide its waiver of lien at the time it picks up its final payment from the City.

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

Very truly yours,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.



Elizabeth Kudla Saarela

EKS

Victor Cardenas  
CITY OF NOVI  
September 30, 2013  
Page 2

Enclosures

C: Maryanne Cornelius, Clerk (w/Enclosures)  
Clay Pearson, City Manager (w/Enclosures)  
Aaron Staup, Construction Engineering Coordinator (w/Enclosures)  
Erica Morgan, Right-of Way Coordinator (w/Enclosures)  
Thomas R. Schultz, Esquire (w/Enclosures)



**CITY OF NOVI**

26300 Lee BeGole Dr.  
 Novi, Michigan 48375  
 Tel: (248) 347-0454  
 Fax: (248) 735-5659

**APPLICATION FOR FINAL PAYMENT**

**PROJECT:** Village Wood Lake Park Improvements      **NOVI PROJECT NO.:**      **PO#:** 000093759      **PAYMENT NO.:** FINAL  
**OWNER:** City of Novi      **ENGINEER:** City of Novi - Engineering Division Staff      **CONTRACTOR:** PAVEX CORPORATION  
 45175 W. Ten Mile Road      26300 Lee BeGole Drive      9786 Hawthorne Glen Drive  
 Novi, Michigan 48375      Novi, Michigan 48375      Grosse Ile, Michigan 48138

**CONTRACT AMOUNT**      **FINAL COMPLETION DATE**      **DATES OF ESTIMATE**  
**ORIGINAL:** \$ 30,084.42      **ORIGINAL:** October 19, 2012      **FROM:** November 7, 2012  
**REVISED:** \$ 26,831.85      **REVISED:** August 22, 2013      **TO:** August 22, 2013

**SECTION 1. COST OF COMPLETED WORK TO DATE**

Item No.	Description of Item	Unit	CONTRACT ITEMS (Original)			CONTRACT ITEMS (Revised)			THIS PERIOD			TOTAL TO DATE		
			Quantity	Cost/Unit	Total Amt	Quantity	Cost/Unit	Total Amt	Quantity	Amount	%	Quantity	Amount	%
0	Constr. Inspection "Crew Day"	CD	0.00	\$ 615.00		0.00	\$ 615.00	\$ -				0.00		
1	Soil Erosion Control, Silt Fence	LF	1350.00	\$ 0.85	\$ 1,147.50	0.00	\$ 0.85	\$ -				0.00		
2	Pathway Grading	LF	1100.00	\$ 7.25	\$ 7,975.00	917.00	\$ 7.25	\$ 6,648.25				917.00	\$ 6,648.25	100%
3	8-Foot Wide 21AA Crushed Limestone Pathway	SY	1124.00	\$ 8.08	\$ 9,081.92	815.00	\$ 8.08	\$ 6,585.20				815.00	\$ 6,585.20	100%
4	Tree Removal	EA	1.00	\$ 1,350.00	\$ 1,350.00	2.00	\$ 1,350.00	\$ 2,700.00				2.00	\$ 2,700.00	100%
5	Concrete Curb & Gutter Removal	LF	70.00	\$ 6.00	\$ 420.00	84.00	\$ 6.00	\$ 504.00				84.00	\$ 504.00	100%
6	HMA Pavement (4" HMA on 8" 21AA)	SY	100.00	\$ 44.40	\$ 4,440.00	101.00	\$ 44.40	\$ 4,484.40				101.00	\$ 4,484.40	100%
7	Concrete Curb & Gutter (6 1/2" W x 4")	LF	30.00	\$ 40.00	\$ 1,200.00	36.00	\$ 40.00	\$ 1,440.00				36.00	\$ 1,440.00	100%
8	Parking Lot Striping	LSUM	1.00	\$ 300.00	\$ 300.00	1.00	\$ 300.00	\$ 300.00				1.00	\$ 300.00	100%
9	Concrete Parking Blocks	EA	6.00	\$ 50.00	\$ 300.00	6.00	\$ 50.00	\$ 300.00				6.00	\$ 300.00	100%
10	Restoration	LSUM	0.50	\$ 2,520.00	\$ 1,260.00	1.00	\$ 2,520.00	\$ 2,520.00	0.50	\$ 1,260.00	50%	1.00	\$ 2,520.00	100%
11	Mobilization (%5 Max)	LSUM	1.00	\$ 1,350.00	\$ 1,350.00	1.00	\$ 1,350.00	\$ 1,350.00				1.00	\$ 1,350.00	100%
12														
13														
14														
15														
16														
17														
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21														
22														
23														
24														
<b>TOTAL THIS SHEET</b>					\$ 28,824.42			\$ 26,831.85		\$ 1,260.00			\$ 26,831.85	100%



CITY OF NOVI

26300 Lee BeGoje Dr.  
 Novi, Michigan 48375  
 Tel: (248) 347-0454  
 Fax: (248) 735-5659

Section 2.

APPLICATION FOR FINAL PAYMENT

PROJECT: Village Wood Lake Park Improvements      NOVI PROJECT NO.:      PO#: 000093759      PAYMENT NO.:      FINAL

Original Contract Amount:	\$	30,084.42
Change Orders:	\$	(3,252.57)
Adjusted Contract Amount to Date:	\$	26,831.85
Total Cost of Work Performed to Date:	\$	26,831.85
MINUS Retainage:	\$	-
MINUS Inspection "Crew Days":	\$	-
To Date	0%	
This Pay	0.00	
Net Amt. Earned of Contract and Extra Work to Date:	\$	26,831.85
MINUS L.D.'s:	\$	-
# of days over =	307	
\$ amount/day =		
Subtotal:	\$	26,831.85
MINUS Amount of Previous Payments:	\$	24,293.26
1 \$	24,293.26	
2 \$	-	
3 \$	-	
4 \$	-	
5 \$	-	
6 \$	-	
7 \$	-	
8 \$	-	
9 \$	-	
10 \$	-	
<b>BALANCE DUE THIS PAYMENT:</b>	<b>\$</b>	<b>2,538.59</b>

CHANGE ORDERS

No.	Date	\$	Amount
1	November 7, 2012	\$	(3,252.57)
	January 0, 1900	\$	-
	January 0, 1900	\$	-
	January 0, 1900	\$	-
	January 0, 1900	\$	-
	January 0, 1900	\$	-
	January 0, 1900	\$	-
	January 0, 1900	\$	-
	January 0, 1900	\$	-
	January 0, 1900	\$	-
	January 0, 1900	\$	-
	January 0, 1900	\$	-
	January 0, 1900	\$	-

TOTAL: \$ (3,252.57)

Inspection "Crew Days" Allowed per Contract:	0.00
Additional "Crew Days" per Change Orders:	0.00
Inspection "Crew Days" Used to Date:	0.00
Inspection "Crew Days" Remaining:	0.00



CITY OF NOVI

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Novi, Michigan 48375  
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Section 3.

APPLICATION FOR FINAL PAYMENT

PROJECT: Village Wood Lake Park Improvements NOVI PROJECT NO.: PO#: 000093759 PAYMENT NO.: FINAL

The undersigned CONTRACTOR certifies that: (1) Any previous progress payments received from OWNER on amount of Work done under the Contract referred to above have been applied to discharge in full all obligations of CONTRACTOR incurred in connection with Work covered by prior Applications for Payment; (2) title to all Work, materials, and equipment incorporated in said Work of otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all liens, claims, security interest, and encumbrances (except such as are covered by Bond acceptable to OWNER indemnifying OWNER against any such lien, claim security interest, or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective as that term is defined in the Contract Documents.

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

CITY OF NOVI

By: Aaron J. Staup, Construction Engineering Coordinator

Dated:

8/27/13

PAVEX Corporation  
Contractor Company

Date:

8/23/13

Contractor Authorized Signature

By: Brian Morrison  
Print Name

By: Brian Coburn, PE., Engineering Manager

Dated:

9/3/13

Consultant Firm

Date:

Consultant Authorized Signature

By: \_\_\_\_\_  
Print Name



SWORN STATEMENT

State of Michigan  
 County of Wayne

being duly sworn, deposes and says that PAVEX CORPORATION is the contractor/subcontractor for an improvement to the following described real property situated in Oakland County, Michigan described as follows

Project Name: VILLAGE WOOD LAKE PARK IMPROVEMENTS  
 Address

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/subcontractor has contracted/subcontracted for performance under the contract with the owner or lessees 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:

No.	Subcontractor, Supplier, or Laborer	Type of Improvement Furnished	Total Contract Price	Adjusted Contract Price	Amount Already Paid	Amount Currently Owing	Balance to Complete
1	<u>N/A</u>						
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
		<b>Totals</b>					

That the contractor has not procured material from, or subcontracted with, any person other than set forth 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 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 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 SUB-CONTRACTOR SUPPLIER, OR LABORER WHO HAS PROVIDED A NOTICE OR 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

WARNING TO DEPONENT: A PERSON, WHO WITH INTENT TO DEFRAUD, GIVES A FALSE SWORN STATEMENT IS SUBJECT TO CRIMINAL PENALTIES AS PROVIDED IN SECTION 1110 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.

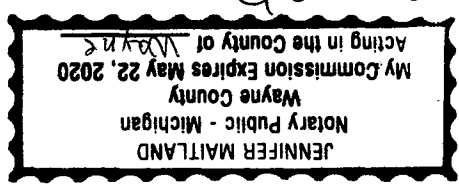
Brian Morrison  
 Deponent Brian Morrison  
 President

Subscribed and sworn to before me this 23 day of September 2013

Notary Public, Wayne County, Michigan

My commission expires: 5/22/20

Jennifer Maitland



**CONSENT OF  
SURETY COMPANY  
TO FINAL PAYMENT**  
AIA DOCUMENT G707

OWNER   
ARCHITECT \_\_\_\_\_  
CONTRACTOR \_\_\_\_\_  
SURETY \_\_\_\_\_  
OTHER \_\_\_\_\_

Bond: SSB422108

TO (OWNER)  
*(Name and Address)*

ARCHITECT'S PROJECT NO:

City Of Novi  
45175 West Ten Mile Road  
Novi, MI 48375

CONTRACT FOR:

CONTRACT DATE:        /        /

PROJECT:  
*(Name and Address)*  
Village of Wood Lake Park Improvements

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the  
*(here insert name and address of Surety Company)*

RLI Insurance Company  
9025 N. Lindbergh Dr.  
Peoria, IL 61615

, SURETY COMPANY,

on bond of  
*(here insert name and address of Contractor)*

PAVEX CORPORATION  
9786 Hawthorne Glen Drive  
Grosse Ile, MI 48138

, CONTRACTOR,

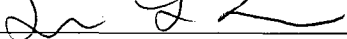
hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve  
the Surety Company of any of its obligations to  
*(here insert name and address of Owner)*

City Of Novi  
45175 West Ten Mile Road  
Novi, MI 48375

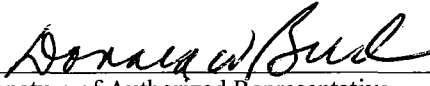
, OWNER,

as set forth in the said Surety Company's bond.

IN WITNESS WHEREOF,  
the Surety Company has hereunto set its hand this September 12, 2013

Attest:   
Seal

RLI Insurance Company  
Surety Company

  
Signature of Authorized Representative  
Donald W. Burden, Title, Attorney-in-Fact



RLI Surety  
 P.O. Box 3967 | Peoria, IL 61612-3967  
 Phone: (800)645-2402 | Fax: (309)689-2036  
 www.rlicorp.com

# POWER OF ATTORNEY

## RLI Insurance Company

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company**, a(n) Illinois corporation, does hereby make, constitute and appoint:  
Angelo G. Zervos, Gus E. Zervos, Donald W. Burden, Veronda D. Gordon, jointly or severally

in the City of Southfield, State of Michigan its true and lawful Agent and Attorney in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, the following described bond.

**Any and all bonds, undertakings, and recognizances in an amount not to exceed Ten Million Dollars (\$10,000,000) for any single obligation.**

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon this Company as if such bond had been executed and acknowledged by the regularly elected officers of this Company.

The **RLI Insurance Company** further certifies that the following is a true and exact copy of the Resolution adopted by the Board of Directors of **RLI Insurance Company**, and now in force to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** has caused these presents to be executed by its Vice President with its corporate seal affixed this 23rd day of July, 2013.

State of Illinois }  
 County of Peoria } SS



**RLI Insurance Company**

Roy C. Die Vice President

**CERTIFICATE**

On this 23rd day of July, 2013, before me, a Notary Public, personally appeared Roy C. Die, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

I, the undersigned officer of **RLI Insurance Company**, a stock corporation of the State of Illinois, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** this 12 day of September, 2013.

Jacqueline M. Bockler  
 Jacqueline M. Bockler Notary Public

**RLI Insurance Company**

Roy C. Die Vice President

