

TO: Mayor and City Council

FROM: City Administrator Ron Johnson

SUBJECT: Approve Pay Request #2 for 2nd St SW St Improvements Project

DATE: December 12, 2014

BACKGROUND

Bituminous Roadways Inc. has submitted their 2nd and final pay request for the 2nd St Street Improvements Project. SEH recommends approval of this pay request, which represents 100% of the work being completed.

REQUESTED COUNCIL ACTION

Motion to approve pay request #2 for the 2nd St SW Street Improvements Project to Bituminous Roadways Inc. for \$34,207.80.

Attachment(s): SEH letter



Building a Better World
for All of Us®

December 11, 2014

RE: 2nd Street SW Street Improvements
City of Cannon Falls
SEH No. CANNO 128416

Mr. Ron Johnson
City of Cannon Falls
918 River Road
Cannon Falls, MN 55009

Dear Mr. Johnson:

Please find enclosed Application for Payment No. 2 (Final) for the above-referenced project, together with the following documentation:

- Consent of the surety to final payment
- Withholding Affidavit for Contractors and Subcontractors (IC 134 form)

We have reviewed the Application for Payment, and recommend payment to Bituminous Roadways Inc. in the amount of \$34,207.80. This represents 100% completion of the work.

The 1-year warranty period will commence with the final payment for this project. To ensure that any needed corrections are addressed during this warranty period, a final inspection of the project will be made prior to warranty expiration and the findings reported to the City.

Please don't hesitate to contact me with any questions or comments. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg F. Anderson".

Greg F. Anderson, PE
Project Manager

ah

Enclosure

c: Bituminous Roadways Inc.

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Application for Payment
 (Unit Price Contract)
 No. 2 - Final

Eng. Project No.: CANN0 128416

Location: City of Cannon Falls

| | |
|--|-------------------------------------|
| Contractor <u>Bituminous Roadways Inc.</u> | Contract Date <u>August 4, 2014</u> |
| <u>1520 Commerce Dr.</u> | |
| <u>Mendota Heights, MN 55120</u> | Contract Amount <u>\$ 83,178.91</u> |

Contract for 2nd Street SW Street Improvements

Application Date 11/11/14 For Period Ending 10/31/14

| Item No. | Item | Unit | Est. Quantity | Quantity to Date | Unit Price | Total Price |
|------------------------------|--|--------|---------------|------------------|------------|---------------------------|
| 1 | MOBILIZATION | LS | 1 | <u>1</u> | \$8,000.00 | <u>\$8,000.00</u> |
| 2 | SAWING BIT PAVEMENT (FULL DEPTH) | LF | 180 | <u>180</u> | \$4.00 | <u>\$720.00</u> |
| 3 | COMMON EXCAVATION (EV)(P) | CY | 425 | <u>425</u> | \$35.00 | <u>\$14,875.00</u> |
| 4 | SUBGRADE PREPARATION | RD STA | 4.5 | <u>4.5</u> | \$347.00 | <u>\$1,561.50</u> |
| 5 | AGGREGATE BASE, CL. 5 | CY | 425 | <u>394.4</u> | \$17.00 | <u>\$6,704.80</u> |
| 6 | TYPE SP 12.5 WEARING COURSE MIXTURE (2,B) | TON | 175 | <u>162.9</u> | \$82.50 | <u>\$13,439.25</u> |
| 7 | TYPE SP 12.5 NON WEAR COURSE MIXTURE (2,B) | TON | 290 | <u>259.2</u> | \$82.50 | <u>\$21,384.00</u> |
| 8 | CONCRETE CURB & GUTTER DESIGN B612 | LF | 120 | <u>128</u> | \$36.00 | <u>\$4,608.00</u> |
| 9 | 4" CONCRETE WALK | SF | 30 | <u>42</u> | \$9.80 | <u>\$411.60</u> |
| 10 | ADJUST VALVE BOX-WATER | EACH | 3 | <u>3</u> | \$186.00 | <u>\$558.00</u> |
| 11 | ADJUST FRAME & RING CASTING | EACH | 2 | <u>2</u> | \$631.00 | <u>\$1,262.00</u> |
| 12 | TRAFFIC CONTROL | LS | 1 | <u>1</u> | \$6,000.00 | <u>\$6,000.00</u> |
| Total Contract Amount | | | | | | <u>\$78,262.15</u> |

Application for Payment (continued)

| | | | |
|---------------------------------|--------------|--|--------------|
| Total Contract Amount | \$ 83,178.91 | Total Amount Earned | \$ 78,262.15 |
| Contract Change Order No. _____ | | Material Suitably Stored on Site, Not Incorporated into Work | _____ |
| Contract Change Order No. _____ | | Percent Complete | _____ |
| Contract Change Order No. _____ | | Percent Complete | _____ |
| Less Previous Applications: | | Percent Complete | _____ |
| 1: 44,054.35 | 6: _____ | GROSS AMOUNT DUE | \$ 78,262.15 |
| 2: _____ | 7: _____ | LESS _____ % RETAINAGE | \$ _____ |
| 3: _____ | 8: _____ | AMOUNT DUE TO DATE | \$ 78,262.15 |
| 4: _____ | 9: _____ | LESS PREVIOUS APPLICATIONS | \$ 44,054.35 |
| 5: _____ | | AMOUNT DUE THIS APPLICATION | \$ 34,207.80 |

CONTRACTOR'S AFFIDAVIT

The undersigned Contractor hereby swears under penalty of perjury that (1) all previous progress payments received from the Owner on account of work performed under the Contract referred to above have been applied by the undersigned to discharge in full all obligations of the undersigned incurred in connection with work covered by prior Applications for Payment under said contract, 2nd Street SW Street Improvements, City of Cannon Falls, and (2) all material and equipment incorporated in said Project or otherwise listed in or covered by this Application for Payment and free and clear of all liens, claims, security interests and encumbrances.

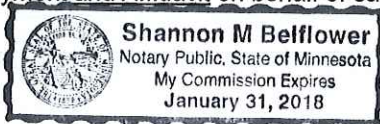
Date November 18, 2014 Bituminous Roadways Inc.
(Contractor)

COUNTY OF Dakota)
STATE OF Minnesota) SS By Pam Heave, SECRETARY
(Name and Title)

Before me on this 18th day of November, 2014, personally appeared

Pam Heave known to be, who being duly sworn did depose and say that he is the Secretary (office) of the Contractor above mentioned that he executed the above Application for Payment and Affidavit on behalf of said Contractor; and that all of the statements contained therein

My Commission expires



[Signature]
(Notary Public)

The undersigned has checked the Contractor's Application for Payment shown above. A part of this Application is the Contractor's Affidavit stating that all previous payments to him under this contract have been applied by him to discharge in full all of his obligations in connecting with the work by all prior Applications for Payment.

In accordance with the Contract, the undersigned recommends approval of payment to the Contractor for the Amount due.

[Signature]

Short Elliott Hendrickson Inc.

By Greg Anderson

Date 12/11/14

City of Cannon Falls

By _____

Date _____

Bond No. 54-201711

CONSENT OF
SURETY COMPANY
TO FINAL PAYMENT
AIA DOCUMENT G707

Owner
Architect
Contractor
Surety
Other

PROJECT: **2nd Street SW Street Improvements, Cannon Falls, MN**
(name, address)

TO: (Owner)
**City of Cannon Falls
918 River Road
Cannon Falls, MN 55009**

ARCHITECT'S PROJECT NO:
CONTRACT FOR: **Construction**
CONTRACT DATE: **8/5/2014**

CONTRACTOR:
**Bituminous Roadways, Inc.
1520 Commerce Drive
Mendota Heights, MN 55120**

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the
**United Fire & Casualty Company
118 Second Ave SE
Cedar Rapids, Iowa 52407**

,SURETY COMPANY

on bond of (here insert name and address of Contractor)
**Bituminous Roadways, Inc.
1520 Commerce Drive
Mendota Heights, Minnesota 55120**

,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 Cannon Falls
918 River Road
Cannon Falls, Minnesota 55009**

,OWNER,

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

IN WITNESS WHEREOF,
the Surety Company has hereunto set its hand this **17th** day of **November,** **2014**

Surety Company
United Fire & Casualty Company


Signature of Authorized Representative

Attest:
(Seal):



Melissa M. Nordin - Attorney-In-Fact
Title

NOTE: This form is to be used as a companion document to AIA DOCUMENT G706, CONTRACTOR'S AFFIDAVIT OF PAYMENT OF
DEBTS AND CLAIMS, Current Edition



UNITED FIRE & CASUALTY COMPANY, CEDAR RAPIDS, IA
 UNITED FIRE & INDEMNITY COMPANY, GALVESTON, TX
 FINANCIAL PACIFIC INSURANCE COMPANY, ROCKLIN, CA
 CERTIFIED COPY OF POWER OF ATTORNEY

Inquiries: Surety Department
 118 Second Ave SE
 Cedar Rapids, IA 52401

(original on file at Home Office of Company – See Certification)

KNOW ALL PERSONS BY THESE PRESENTS, That UNITED FIRE & CASUALTY COMPANY, a corporation duly organized and existing under the laws of the State of Iowa; UNITED FIRE & INDEMNITY COMPANY, a corporation duly organized and existing under the laws of the State of Texas; and FINANCIAL PACIFIC INSURANCE COMPANY, a corporation duly organized and existing under the laws of the State of California (herein collectively called the Companies), and having their corporate headquarters in Cedar Rapids, State of Iowa, does make, constitute and appoint TERRY STARKS, OR DAVID E. SELL, OR ROBERT E. CLEMANTS, OR MELISSA M. NORDIN, OR MARK E. PAULSON, OR ALAN STARKS, OR BETH N. JOHNSTON, OR DANIELLE CLEMANTS, ALL INDIVIDUALLY of MINNEAPOLIS MN

their true and lawful Attorney(s)-in-Fact with power and authority hereby conferred to sign, seal and execute in its behalf all lawful bonds, undertakings and other obligatory instruments of similar nature provided that no single obligation shall exceed \$100,000,000.00 and to bind the Companies thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of the Companies and all of the acts of said Attorney, pursuant to the authority hereby given and hereby ratified and confirmed.

The Authority hereby granted is continuous and shall remain in full force and effect until revoked by UNITED FIRE & CASUALTY COMPANY, UNITED FIRE & INDEMNITY COMPANY, AND FINANCIAL PACIFIC INSURANCE COMPANY.

This Power of Attorney is made and executed pursuant to and by authority of the following bylaw duly adopted on May 15, 2013, by the Boards of Directors of UNITED FIRE & CASUALTY COMPANY, UNITED FIRE & INDEMNITY COMPANY, and FINANCIAL PACIFIC INSURANCE COMPANY.

“Article VI – Surety Bonds and Undertakings”

Section 2, Appointment of Attorney-in-Fact. “The President or any Vice President, or any other officer of the Companies may, from time to time, appoint by written certificates attorneys-in-fact to act in behalf of the Companies in the execution of policies of insurance, bonds, undertakings and other obligatory instruments of like nature. The signature of any officer authorized hereby, and the Corporate seal, may be affixed by facsimile to any power of attorney or special power of attorney or certification of either authorized hereby; such signature and seal, when so used, being adopted by the Companies as the original signature of such officer and the original seal of the Companies, to be valid and binding upon the Companies with the same force and effect as though manually affixed. Such attorneys-in-fact, subject to the limitations set forth in their respective certificates of authority shall have full power to bind the Companies by their signature and execution of any such instruments and to attach the seal of the Companies thereto. The President or any Vice President, the Board of Directors or any other officer of the Companies may at any time revoke all power and authority previously given to any attorney-in-fact.

IN WITNESS WHEREOF, the COMPANIES have each caused these presents to be signed by its vice president and its corporate seal to be hereto affixed this 16th day of December, 2013

UNITED FIRE & CASUALTY COMPANY
 UNITED FIRE & INDEMNITY COMPANY
 FINANCIAL PACIFIC INSURANCE COMPANY

By: *Dennis J. Richman* Vice President



State of Iowa, County of Linn, ss:
 On 16th day of December, 2013, before me personally came Dennis J. Richmann

to me known, who being by me duly sworn, did depose and say; that he resides in Cedar Rapids, State of Iowa; that he is a Vice President of UNITED FIRE & CASUALTY COMPANY, a Vice President of UNITED FIRE & INDEMNITY COMPANY, and a Vice President of FINANCIAL PACIFIC INSURANCE COMPANY the corporations described in and which executed the above instrument; that he knows the seal of said corporations; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporations and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporations.



Judith A. Davis Notary Public
 My commission expires: 4/23/2015

I, David A. Lange, Secretary of UNITED FIRE & CASUALTY COMPANY and Assistant Secretary of UNITED FIRE & INDEMNITY COMPANY, and Assistant Secretary of FINANCIAL PACIFIC INSURANCE COMPANY, do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the bylaws and resolutions of said Corporations as set forth in said Power of Attorney, with the ORIGINALS ON FILE IN THE HOME OFFICE OF SAID CORPORATIONS, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

In testimony whereof I have hereunto subscribed my name and affixed the corporate seal of the said Corporations this 17TH day of NOVEMBER, 20 14.



By: *David A. Lange*
 Secretary, UF&C
 Assistant Secretary, UF&I/FPIC

MINNESOTA • REVENUE**Contractor Affidavit Submitted**

Thank you, your Contractor Affidavit has been approved.

Confirmation Summary

Confirmation Number: 0-025-330-048
Submitted Date and Time: 17-Nov-2014 1:05:53 PM
Legal Name: BITUMINOUS ROADWAYS INC
Federal Employer ID: 41-0646864
User Who Submitted: litzam
Type of Request Submitted: Contractor Affidavit

Affidavit Summary

Affidavit Number: 1450590208
Account Number: 8225235
Project Owner: CITY OF CANNON FALLS
Project Number: CANN0 128416
Project Begin Date: 02-Sep-2014
Project End Date: 15-Oct-2014
Project Location: 2ND STREET SW IMPROVEMENTS
Project Amount: \$78,262.15
Subcontractors: No Subcontractors

Important Messages

A copy of this page must be provided to the contractor or government agency that hired you.

Contact Us

If you need further assistance, contact our Withholding Tax Division at (Metro Area) 651-282-9999, (Greater Minnesota) 800-657-3594, (TTY Users) Call 711 for Minnesota Relay, or (email) Withholding.tax@state.mn.us. Business hours are 8:00 a.m. - 4:30 p.m. Monday - Friday.

How to View and Print this Request

You can see copies of your requests by going to the History Tab.

Please [print this confirmation page](#) for your records using the print or save functionality built into your browser.