

TO: Committee of the Whole – City Services 6/9

FROM: Andrea Podraza, CFM, P.E., Assistant City Engineer

DATE: June 4, 2020

RE: Resolution 20-081-R: Authorizing final balancing change order to the Contract with Performance Construction & Engineering LLC for the Area 3 Phase 2 Storm Sewer Separation in the amount of \$12,377.79

Final Balancing Change Order

Through Resolution 19-067-R, The City Council awarded the Area 3 Storm Sewer Separation – Phase 2 project to Performance Construction in the amount not to exceed \$1,990,753.80. Typically, staff has been recommending and City Council has been awarding these types of projects with a 10 percent contingency amount due to the unknown underground utility conflicts in Area 3. However, the awarded amount for this project included only a 5% contingency. This was due to the fact that the engineering plans had not been completed prior to planning for the 2019 budget. Once the plans were complete it became evident that insufficient funds had been included in the 2019 budget to provide for a 10 percent contingency. In addition, the project was shut down through winter months and started back up in Spring 2020. The Contractor finished the work at the end of May 2020. After completing the project, the Contractor has provided the final invoice in the amount of \$2,003,131.59, which is 5.65% more than the bid amount and \$12,377.79 more than the amount approved by City Council. Staff did not budget this 0.65% overage amount in 2020 as the project was still on-going during budget preparations and a final amount was yet to be determined. Staff is confident that this \$12,377.79 amount will be covered by savings from other projects in the 2020 budget, such as Main Street Reconstruction project. Time is of the essence for this project since the City needs to submit the final payout amounts to the IEPA for our loan closeout by the end of the June.

Recommended Committee/Council Action

Staff recommends for the City Services Committee approve the following:

1. Authorizing final balancing change order to the contract with Performance Construction & Engineering LLC in the amount 12,377.79 and Resolution 20-081-R.

**CITY OF BATAVIA, ILLINOIS
RESOLUTION 20-081-R**

**A RESOLUTION AUTHORIZING FINAL BALANCING CHANGE
ORDER TO THE CONTRACT WITH
PERFORMANCE CONSTRUCTION & ENGINEERING, LLC, OF
PLANO, ILLINOIS,
FOR THE AREA 3 STORM SEWER SEPARATION – PHASE 2
IN THE AMOUNT OF \$12,377.79**

WHEREAS, the City of Batavia has identified the need for separating storm sewer from the sanitary sewer in Area 3 of the combined sewer area, requested bids on the project and reviewed the submitted bids; and

WHEREAS, Performance Construction & Engineering, LLC submitted a bid and was the lowest responsible bidder for the project; and

WHEREAS, the total cost of said construction services was authorized in Resolution 19-067-R in the amount not to exceed \$1,990,753.80; and

WHEREAS, after completion of the project, the City has received the final invoice in the amount of \$2,003,131.59; and

WHEREAS, staff agrees that final invoice amount is correct and represents the work completed through this project; and

WHEREAS, the difference is \$12,377.79 from the authorized amount and final invoice is requested to be paid to the contractor; and

WHEREAS, sufficient funds are available through the savings from other Capital improvement Projects in 2020; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows:

SECTION 1. That the Mayor and City Council is authorizing final balancing change order attached hereto as Exhibit 1 in the amount of \$2,003,131.59

CITY OF BATAVIA, ILLINOIS RESOLUTION 20-081-R

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 15th day of June, 2020.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 15th day of June, 2020.

Jeffery D. Schielke, Mayor

| Ward | Aldermen | Ayes | Nays | Absent | Abstain | Aldermen | Ayes | Nays | Absent | Abstain |
|-----------------------|----------|-----------------------|------|--------|-------------|----------|------|------|--------|---------|
| 1 | O'Brien | | | | | Baerren | | | | |
| 2 | Callahan | | | | | Wolff | | | | |
| 3 | Meitzler | | | | | Chanzit | | | | |
| 4 | Malay | | | | | Knopp | | | | |
| 5 | Uher | | | | | Beck | | | | |
| 6 | Cerone | | | | | Russotto | | | | |
| 7 | McFadden | | | | | Miller | | | | |
| Mayor Schielke | | | | | | | | | | |
| VOTE: | | Ayes | Nays | Absent | Abstentions | | | | | |
| Total holding office: | | Mayor and 14 aldermen | | | | | | | | |

ATTEST:

Ellen Posledni, City Clerk



June 3, 2020

Ms. Andrea Podraza, P.E., CFM
Assistant City Engineer
City of Batavia
200 North Raddant Road
Batavia, Illinois 60510

RECOMMENDATION FOR FINAL PAYMENT

RE: City of Batavia – Area 3 Phase 2 Storm Sewer Separation | Pay Estimate No. 8

Dear Ms. Podraza,

This is to certify that Performance Construction & Engineering, LLC. Is entitled to a final payment in the amount of **\$464,304.18** for work completed in relation to the subject project.

The Contractors Invoice (*Pay #8*), "*Waivers*", "*Contractor's Affidavit*," and "*Certified Payroll*" are enclosed and appear to be satisfactory. Therefore, the above payment to the contractor is recommended.

| | |
|--------------------------------|-----------------------|
| Work Completed to Date | \$2,003,131.59 |
| <u>Less Previous Payments</u> | <u>\$1,538,827.41</u> |
| Amount Due Payment No.8 | \$464,304.18 |

If you have any questions regarding the above, please feel free to contact me.

Sincerely,
V3 Companies

Richard Kipp, P.E.
Project Manager, Construction Engineering Division



Performance Construction & Engineering, LLC
 217 W. John Street
 Plano, IL 60545
 (630) 273-2693

Invoice

| | |
|-----------|-----------|
| Date | Invoice # |
| 5/28/2020 | Pay #8 |

| | |
|----------|------------------|
| P.O. No. | Project |
| 19011 | 2019 Area 3 STSW |

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|--|
| Bill To |
| City of Batavia 100 N. Island Avenue Batavia, IL 60510 |

| | | |
|------------|----------------|-----------------------|
| Phone # | Fax # | E-mail |
| 6309181237 | (630) 866-1301 | cparnellpce@gmail.com |

| Quantity | Description | U/M | Rate | Amount |
|----------|-------------------------------|-----|--------------|--------------|
| | Total Value of Completed Work | | 2,003,131.59 | 2,003,131.59 |
| | Pay #1 | | -186,828.37 | -186,828.37 |
| | Pay #2 | | -271,613.85 | -271,613.85 |
| | Pay #3 | | -281,931.16 | -281,931.16 |
| | Pay #4 | | -174,020.63 | -174,020.63 |
| | Pay #5 | | -283,792.91 | -283,792.91 |
| | Pay #6 | | -29,087.31 | -29,087.31 |
| | Pay #7 | | -311,553.18 | -311,553.18 |

REMIT PAYMENT TO: Performance Construction & Engineering, LLC., 217 W. John Street, Plano, IL 60545

Total \$464,304.18

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| Web Site | www.pceillinois.com |
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|-------------|-----------|
| Payment Due | 6/12/2020 |
|-------------|-----------|