

1316 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 574/ 235-9251
FAX 574/ 235-9171

CITY OF SOUTH BEND JAMES MUELLER, MAYOR
BOARD OF PUBLIC WORKS

June 25, 2024

Mr. Ruben Alvarado
Rieth-Riley Construction Co., Inc.
25200 State Road 23
South Bend, IN 46614
ralvarado@rieth-riley.com; dsnodderly@rieth-riley.com

RE: Change Order No. 2 (Final)/Project Completion Affidavit
2023 Contractor Paving, Round II - Project No. 123-024

Dear Mr. Alvarado:

At its June 25, 2024 meeting, the Board of Public Works approved the Final Change Order for this project, be decreased by \$3,247.89. The final contract amount is \$2,334,068.18.

In addition, the Project Completion Affidavit for this project was approved in the amount of \$2,334,068.18. Copies of the Change Order and Project Completion Affidavit are enclosed for your records.

If you have any further questions, please call this office at (574) 235-9251.

Sincerely,

/s/ Theresa Heffner

Theresa Heffner, Clerk

Enclosures
TH/lh

**CITY OF SOUTH BEND, INDIANA
DEPARTMENT OF PUBLIC WORKS
PROJECT CHANGE ORDER**



DATE: 6/25/2024
PROJECT NO: 123-024
PROJECT NAME: 2023 Contractor Paving Round 2
CONTRACT DATE: 7/25/2023
CHANGE ORDER NO: 2 (Final)
SUBJECT OF CHANGE ORDER: PCR #8-Final Quantities

All items completed substantially as planned.
 See attached Comparison of Estimate for overruns and underruns.

The original contract sum		\$	<u>1,940,600.00</u>
Net change by previously authorized change orders		\$	<u>406,716.07</u>
The contract sum prior to this change order		\$	<u>2,347,316.07</u>
By this Change Order, the project amount is	<input type="checkbox"/> Increased		
	<input checked="" type="checkbox"/> Decreased	\$	<u>3,247.89</u>
The new contract sum including this change order		\$	<u>2,344,068.18</u>
This Change Order represents a total change of			<u>-0.14 %</u>
Total change for entire project			<u>20.79 %</u>

Original contracted completion date/time	<u>11/10/2023</u>
Extension of date/time by previous change orders	<u>0 days</u>
Date/time extension by this change order	<u>0 days</u>
New completion date/time	<u>11/10/2023</u>

CONTRACTOR

RECOMMENDED FOR APPROVAL

Hannah Gritton
 Contractor Signature

Kyle Ludlow
 CONSTRUCTION MANAGER

CITY OF SOUTH BEND

Hannah Gritton Estimator/Engineer
 Printed Name and Title

CITY OF SOUTH BEND, INDIANA
 BOARD OF PUBLIC WORKS

Rieth-Riley Construction Co., Inc.
 Company Name

Elizabeth A. Maradik
 Elizabeth A. Maradik, President

Joseph R. Molnar
 Joseph R. Molnar, Vice President

25200 State Road 23
 Address

Gary A. Gilot
 Gary A. Gilot, Member

Briana Micou
 Briana Micou, Member

South Bend, IN 46614
 City, State, Zip

Murray L. Miller
 Murray L. Miller, Member

Theresa M. Heffner
 Attest: Theresa M. Heffner, Clerk

Date: _____

CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS
PROJECT COMPLETION AFFIDAVIT



PROJECT NAME 2023 Contractor Paving Round 2
PROJECT NO 123-024 FINAL COST \$2,344,068.18
CONTRACT SIGNED 7/25/2023 MAINTENANCE AGREEMENT ENDS
PROJECT DESCRIPTION _____

WITNESSETH:

The work under the above contract between the City of South Bend and the undersigned contractor having been completed, the City of South Bend, its officials and agents are hereby released from all claims and demands whatsoever arising under or by such contract, and that the contractor performed the work within the scope of the Specifications and Standards of the City of South Bend which were a part of the above Contract.

Executed this 10 day of JUNE, 2024.

[Signature]
Signature
Ruben Alvarado, Sales Manager
Printed Name

Rieth-Riley Construction Co., Inc.
Company Name
25200 State Road 23
Company Address
South Bend, IN 46614
City, State, Zip

WITNESSESS:

Before me, the undersigned Notary Public in and for said country and state, personally appeared Ruben Alvarado, and acknowledged his/her signature to the above Project Completion Affidavit on the 10 day of JUNE, 2024.

[Signature]
Notary Signature My Commission Expires 10/03/2030
Rachael Czarnecki
Printed Name County of Residence Marshall

If the Contractor is a corporation, the following certificate will be executed.

I, Matt Hostetler, certify that I am Secretary of the Corporation executing this release; that Ruben Alvarado who signed this release on behalf of the contractor was then Sales Manager of said Corporation; that said release was duly signed for and on behalf of said Corporation by Authority of its governing body, and is within the scope of corporate powers:

[Signature]
Secretary's Signature
Matt Hostetler, Office Manager
Printed Name

Corporate Seal

DEPARTMENT OF PUBLIC WORKS APPROVAL

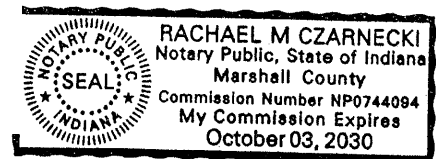
This project is acceptable for final approval and we recommend to the Board of Public Works that it be ordained so.

[Signature] Date: 6/14/2024
Construction Manager

CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS

[Signature]
Elizabeth A. Maradik, President
[Signature]
Gary A. Gilot, Member
[Signature]
Murray L. Miller, Member

[Signature]
Joseph R. Molnar, Vice President
[Signature]
Briana Micou, Member
[Signature]
Attest: Theresa M. Heffner, Clerk
Date: June 25, 2024



**MAINTENANCE
BOND**

**Travelers Casualty and Surety Company of America
Hartford, CT 06183**

Bond No.: 107860816M

KNOWN ALL BY THESE PRESENTS: That we Rieth-Riley Construction Co., Inc.,
as Principal, and Travelers Casualty and Surety Company of America, a corporation
organized and existing under the Laws of the State of Connecticut, as Surety, are held
and firmly bound unto City of South Bend, IN, as Oblige, in the
total sum of Two Hundred Thirty-Four Thousand Four Hundred Six and 82/100--
U.S. Dollars (\$234,406.82) for the payment whereof said Principal and Surety bind
themselves, jointly and severally, as provided herein.

WHEREAS, the Principal entered into a contract with the Oblige dated July 25, 2023 for
123-024 2023 Contractor Paving Round II
("Work").

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Principal
shall maintain and remedy said Work free from defects in materials and workmanship for a
period of 3 year(s) from the date of completion and acceptance of the work
performed under the Contract (the "Maintenance Period"), then this obligation shall be void;
otherwise it shall remain in full force and effect.


PROVIDED, HOWEVER, that any suit under this bond shall be commenced no later than one
(1) year from the expiration date of the Maintenance Period; provided, however, that if this
limitation is prohibited by any law controlling the construction hereof, such limitation shall be
deemed to be amended so as to be equal to the minimum period of limitation permitted by
such law, and said period of limitation shall be deemed to have accrued and shall commence
to run on the expiration date of the Maintenance Period.

SIGNED this 10th day of June, 2024.

(Principal)
Rieth-Riley Construction Co., Inc.

By: 

Travelers Casualty and Surety Company of America

By: 
Colette R. Chisholm, Attorney-in-Fact



**Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company**

POWER OF ATTORNEY

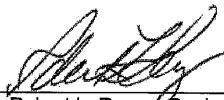
KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **Colette R Chisholm** of **UNIONDALE**, **New York**, their true and lawful Attorney(s)-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this **21st day of April, 2021**.



State of Connecticut

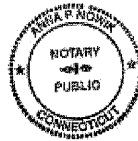
City of Hartford ss.

By: 
Robert L. Raney, Senior Vice President

On this the **21st day of April, 2021**, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of each of the Companies, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires the **30th day of June, 2026**




Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of each of the Companies, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

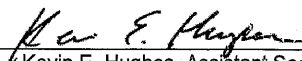
FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of each of the Companies, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this **10th** day of **June**, **2024**.




Kevin E. Hughes, Assistant Secretary

**To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
Please refer to the above-named Attorney(s)-in-Fact and the details of the bond to which this Power of Attorney is attached.**

**BOARD OF PUBLIC WORKS
AGENDA ITEM REVIEW REQUEST FORM**

Date	06/14/2024	Department	Public Works
Name	Kyle Ludlow	Phone Extension	9157
BPW Date	06/25/2024		

Review and Approval Required Prior to Submittal to Board

Diversity Compliance and Inclusion Officer	<input type="checkbox"/>	Officer Name	_____
BPW Attorney	<input type="checkbox"/>	Attorney Name	_____
Dept. Attorney	<input type="checkbox"/>	Attorney Name	_____
Purchasing	<input type="checkbox"/>		_____

Check the Appropriate Item Type – Required for All Submissions

<input type="checkbox"/> Professional Services Agreement	<input type="checkbox"/> Contract	<input type="checkbox"/> Proposal	
<input type="checkbox"/> Open Market Contract	<input type="checkbox"/> Amendment/Addendum	<input type="checkbox"/> Special Purchase, QPA	
<input type="checkbox"/> Bid Opening	<input type="checkbox"/> Bid Award	<input type="checkbox"/> Req. to Advertise	<input type="checkbox"/> Title Sheet
<input type="checkbox"/> Quote Opening	<input type="checkbox"/> Quote Award	<input type="checkbox"/> Reject Bids/Quotes	
<input type="checkbox"/> Proposal Opening	<input checked="" type="checkbox"/> C/O & PCA No. <u>2</u>	<input type="checkbox"/> PCA	
<input type="checkbox"/> Chg. Order, No.	<input type="checkbox"/> Traffic Control	<input type="checkbox"/> Resolution	
<input type="checkbox"/> Other: _____		<input type="checkbox"/> Ease. /Encroach	

Required Information

Company or Vendor Name	Rieth-Riley Construction Co., Inc.
New Vendor	<input type="checkbox"/> Yes <input type="checkbox"/> If Yes, Approved by Purchasing <input checked="" type="checkbox"/> No
MBE/WBE Contractor	<input type="checkbox"/> MBE <input type="checkbox"/> WBE Completed E-Verify Form Attached <input type="checkbox"/> Yes <input type="checkbox"/> No
Project Name	2023 Contractor Paving Round 2
Project Number	123-024
Funding Source	River West TIF, Southside TIF, West Washington TIF, LRS
Account No.	PR-00025457 PO-0025433
Amount	\$2,344,068.18
Terms of Contract	
Purpose/Description	<u>Project Closeout</u>

For Change Orders Only

Amount of	<input type="checkbox"/> Increase \$ _____ <input checked="" type="checkbox"/> Decrease (\$ 3,247.89)
Previous Amount	\$ 2,347,316.07
	Increase % _____
Current Percent of Change:	Decrease (0.14%)
New Amount	\$ 2,334,068.18
	Increase 20.79%
Total Percent of Change:	Decrease (%) _____
Time Extension Amount:	0 Days
New Completion Date:	11/10/2023