

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. Robert Kuhns
Selge Construction Co., Inc.
2833 South 11TH St.
Niles, MI 49120
aswinehart@selgeconstruction.com

RE: Change Order No. 1 (Final)/Project Completion Affidavit
Johnson & Fellows Intersection Drainage Improvements - Project No. 122-016A

Dear Mr. Kuhns:

At its June 25, 2024 meeting, the Board of Public Works approved the Final Change Order for this project, be decreased by (\$5,794.60. The final contract amount is \$236,663.40.

In addition, the Project Completion Affidavit for this project was approved in the amount of \$236,663.40. 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: 6/11/2024
 PROJECT NO: 122-016A
 PROJECT NAME: Johnson & Fellows Intersection Drainage Improvements
 CONTRACT DATE: 5/23/2023
 CHANGE ORDER NO: 1 (Final)
 SUBJECT OF CHANGE ORDER: PCR #1-Final Quantity Adjustment

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

The original contract sum		\$	<u>242,458.00</u>
Net change by previously authorized change orders		\$	<u>0.00</u>
The contract sum prior to this change order		\$	<u>242,458.00</u>
By this Change Order, the project amount is	<input type="checkbox"/> Increased		
	<input checked="" type="checkbox"/> Decreased	\$	<u>5,794.60</u>
The new contract sum including this change order		\$	<u>236,663.40</u>
This Change Order represents a total change of			<u>-2.39 %</u>
Total change for entire project			<u>-2.39 %</u>

Original contracted completion date/time 10/27/2023
 Extension of date/time by previous change orders 0 days
 Date/time extension by this change order 0 days
 New completion date/time 10/27/2023

CONTRACTOR

RECOMMENDED FOR APPROVAL

Scott Riley
 Contractor Signature

Kyle Ludlow
 CONSTRUCTION MANAGER

CITY OF SOUTH BEND

Scott Riley, Project Mgt
 Printed Name and Title

CITY OF SOUTH BEND, INDIANA
 BOARD OF PUBLIC WORKS

Selge Construction Co., Inc.
 Company Name

Elizabeth A. Maradik
 Elizabeth A. Maradik, President

Joseph R. Molnar
 Joseph R. Molnar, Vice President

2833 South 11th St.
 Address

Gary A. Gilot
 Gary A. Gilot, Member

Briana Micou
 Briana Micou, Member

Niles, MI 49120
 City, State, Zip

Murray L. Miller
 Murray L. Miller, Member

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

Date: June 25, 2024

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



PROJECT NAME Johnson & Fellows Intersection Drainage Improvements
 PROJECT NO 122-016A FINAL COST \$236,663.40
 CONTRACT SIGNED 5/23/2023 MAINTENANCE AGREEMENT ENDS _____
 PROJECT DESCRIPTION Drywell, storm sewer, and drainage ditch improvements near Johnson Rd and Fellows St.

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 22nd day of May, 2024.

 Signature
Justin Butler, Vice President
 Printed Name
 Selge Construction Co., Inc.
 Company Name
2833 South 11th St.
 Company Address
Niles, MI 49120
 City, State, Zip

WITNESSESS:
 Before me, the undersigned Notary Public in and for said country and state, personally appeared Justin Butler, and acknowledged his/her signature to the above Project Completion Affidavit on

the 22nd day of May, 2024.

 Notary Signature My Commission Expires 10/27/2027
Allison Swinehart
 Printed Name County of Residence Berrien



If the Contractor is a corporation, the following certificate will be executed.
 I, Allison Swinehart, certify that I am Secretary of the Corporation executing this release, that Justin Butler who signed this release on behalf of the contractor was then Vice President 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:

 Secretary's Signature
Allison Swinehart
 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.

Kyle Ludlow Date: 6/14/2024
 Construction Manager

SOUTH BEND BOARD OF PUBLIC WORKS

CITY OF SOUTH BEND, INDIANA
 BOARD OF PUBLIC WORKS

Elizabeth A. Maradik
 Elizabeth A. Maradik, President

Gary A. Gilot
 Gary A. Gilot, Member

Murray L. Miller
 Murray L. Miller, Member

Joseph R. Molnar
 Joseph R. Molnar, Vice President

Briana Micou
 Briana Micou, Member

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

Date: June 25, 2024

Final Waiver of Lien

State of Indiana, County of Berrien SS: Justin Butler Vice President (Name of Officer) (Title)

of Selge Construction Co., Inc. having contracted with City of South Bend (Contractor) (Owner)

to furnish certain materials and/or labor as follows: Drywall, storm sewer, & drainage ditch improvements near Johnson Rd & Fellows St (Description)

for a project known as Johnson & Fellows Intersection Drainage Improvements (Name of Project)

located at Johnson Rd & Fellows Street

and owned by City of South Bend (Owner)

and does hereby further state on the behalf of the aforementioned subcontractor/supplier:

(PARTIAL WAIVER) that there is due from the Contractor the sum of Dollars (\$.)

- checkbox receipt of which is hereby acknowledged; or
checkbox the payment of which has been promised as the sole consideration for this Affidavit and Final Waiver of Lien which is given solely with respect to said amount, and which waiver shall be effective only upon receipt of payment thereof by the undersigned;

(FINAL WAIVER) that the final balance due from the contractor is the sum of Eleven Thousand Eight Hundred Thirty Three Dollars and Seventeen Cents (\$11,833.17)

- checkbox receipt of which is hereby acknowledged; or
checkbox X the payment of which has been promised as the sole consideration for this Affidavit and Final Waiver of Lien which shall become effective only upon receipt of such payment.

THEREFORE, the undersigned waives and releases unto the Owner of said premises, any and all liens or claims whatsoever on the above-described property and improvements thereon an account of labor or material or both, furnished to the undersigned thereto, subject to limitations or conditions expressed herein, if any; and further certified that no other party has any claim or right to a lien on account of any work performed or material furnished to the undersigned for said project, and within the scope of this Affidavit and Waiver of Lien.

Selge Construction Co., Inc. By Justin Butler (Authorized Representative)

Michigan (Firm)
STATE OF INDIANA)
Berrien) SS:
ST. JOSEPH COUNTY)

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Justin Butler and acknowledged the execution of the foregoing Affidavit and Waiver of Lien.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the 22nd day of May

My Commission Expires: 10/27/2027
Residing in Michigan County, Berrien



Allison Swinehart
Notary Public Signature

Allison Swinehart
Notary Public Name

MAINTENANCE BOND

Bond No. B3291306

KNOW ALL MEN BY THESE PRESENTS:

That Selge Construction Co., Inc.
2833 South 11th Street Niles, MI 49120,
as Principal, hereinafter called Contractor, and The Cincinnati Insurance Company
P.O. Box 145496, Cincinnati, OH 45250-5496, as Surety, hereinafter called Surety, are held
and firmly bound unto City of South Bend - Board of Public Works
227 W Jefferson Blvd South Bend, 46601, as Obligee, hereinafter
called Owner, in the penal sum of Twenty Three Thousand Six Hundred Sixty Six Dollars and 34/100
Dollars (\$ 23,666.34), for payment whereof Contractor
and Surety bind themselves, their heirs, executors, administrators, successors, and assigns,
jointly and severally, firmly by these presents.

WIHEREAS, Contractor has constructed various public improvements:

Johnson & Fellow Intersection Drainage Improvement Project - Project No. 122-016A

in accordance with the General Conditions, the Drawings and Specifications, which Plans are by
reference incorporated herein, and made a part hereof, and is referred to as the Plans.

NOW, THEREFORE, the condition of this obligation is such that, if Contractor shall remedy any
defects due to faulty materials or workmanship, and pay for any damage to other work resulting
therefrom, which shall appear within a period of 3 Years from the date of substantial
completion of the work provided for in the Plans, then this obligation to be void; otherwise to
remain in full force and effect.

PROVIDED, HOWEVER, that Owner shall give Contractor and Surety notice of observed
defects with reasonable promptness.

SIGNED and sealed this 31st day of May, 2024.

In the presence of:

Allison Swinehart

Allison Swinehart, Corp Secretary

Selge Construction Co., Inc.

Principal (Seal)

By: *Justin Butler*
Justin Butler, Vice President Title

The Cincinnati Insurance Company

Surety

By: *Tracie House*
Tracie House Attorney-in-Fact



THE CINCINNATI INSURANCE COMPANY
THE CINCINNATI CASUALTY COMPANY

Fairfield, Ohio

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That THE CINCINNATI INSURANCE COMPANY and THE CINCINNATI CASUALTY COMPANY, corporations organized under the laws of the State of Ohio, and having their principal offices in the City of Fairfield, Ohio (herein collectively called the "Companies"), do hereby constitute and appoint **Tracie House** its true and legal Attorney-in-Fact to sign and deliver on behalf of the Companies as Surety, at any place within the United States, the following surety bond:

Surety Bond Number: B3291306
Principal: Selge Construction Co., Inc.
Obligee: City of South Bend - Board of Public Works

This appointment is made under and by authority of the following resolutions adopted by the Boards of Directors of The Cincinnati Insurance Company and The Cincinnati Casualty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the President or any Senior Vice President be hereby authorized, and empowered to appoint Attorneys-in-Fact of the Company to execute any and all bonds, policies, undertakings, or other like instruments on behalf of the Corporation, and may authorize any officer or any such Attorney-in-Fact to affix the corporate seal; and may with or without cause modify or revoke any such appointment or authority. Any such writings so executed by such Attorneys-in-Fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company.

RESOLVED, that the signature of the President or any Senior Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary or Assistant Vice-President and the Seal of the Company may be affixed by facsimile to any certificate of any such power and any such power of certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS WHEREOF, the Companies have caused these presents to be sealed with their corporate seals, duly attested by their President or any Senior Vice President this 16th day of March, 2021.



STATE OF OHIO)SS:
COUNTY OF BUTLER)

THE CINCINNATI INSURANCE COMPANY
THE CINCINNATI CASUALTY COMPANY

Stephen A. Justice

On this 16th day of March, 2021 before me came the above-named President or Senior Vice President of The Cincinnati Insurance Company and The Cincinnati Casualty Company, to me personally known to be the officer described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of said Companies and the corporate seals and the signature of the officer were duly affixed and subscribed to said instrument by the authority and direction of said corporations.

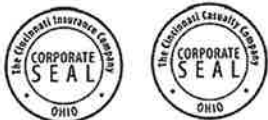


Keith Collett

Keith Collett, Attorney at Law
Notary Public – State of Ohio
My commission has no expiration date.
Section 147.03 O.R.C.

I, the undersigned Secretary or Assistant Vice-President of The Cincinnati Insurance Company and The Cincinnati Casualty Company, hereby certify that the above is the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Power of Attorney is still in full force and effect.

Given under my hand and seal of said Companies at Fairfield, Ohio, this 31st day of May, 2024.



Ed [Signature]

**CONSENT OF SURETY
TO FINAL PAYMENT**

AIA Document G707

- OWNER
- ARCHITECT
- CONTRACTOR
- SURETY
- OTHER

Bond No. B3291306

TO OWNER:
(Name and address)

City of South Bend - Board of Public Works
227 W Jefferson Blvd
South Bend, 46601

PROJECT:
(Name and address)

Johnson & Fellow Intersection Drainage Improvement Project Project No. 122-016A

ARCHITECT'S PROJECT NO.:

CONTRACT FOR: Johnson & Fellow Intersection Drainage
Improvement Project Project No. 122-016A

CONTRACT DATED: May 23, 2023

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

The Cincinnati Insurance Company
P.O. Box 145496
Cincinnati, OH 45250-5496

, SURETY,

on bond of
(Insert name and address of Contractor)

Selge Construction Co., Inc.
2833 South 11th Street
Niles, MI 49120

, CONTRACTOR,

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

City of South Bend - Board of Public Works
227 W Jefferson Blvd
South Bend, 46601

, OWNER,

as set forth in said Surety's bond.

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date: May 31, 2024
(Insert in writing the month followed by the numeric date and year.)



Attest: Tracey Heiss
(Seal): _____

The Cincinnati Insurance Company
(Surety)

Tracie House
(Signature of authorized representative)

Tracie House, Attorney-in-Fact
(Printed name and title)

THE CINCINNATI INSURANCE COMPANY
THE CINCINNATI CASUALTY COMPANY

Fairfield, Ohio

POWER OF ATTORNEY

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Surety Bond Number: B3291306
Principal: Selge Construction Co., Inc.
Obligee: City of South Bend - Board of Public Works

This appointment is made under and by authority of the following resolutions adopted by the Boards of Directors of The Cincinnati Insurance Company and The Cincinnati Casualty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the President or any Senior Vice President be hereby authorized, and empowered to appoint Attorneys-in-Fact of the Company to execute any and all bonds, policies, undertakings, or other like instruments on behalf of the Corporation, and may authorize any officer or any such Attorney-in-Fact to affix the corporate seal; and may with or without cause modify or revoke any such appointment or authority. Any such writings so executed by such Attorneys-in-Fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company.

RESOLVED, that the signature of the President or any Senior Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary or Assistant Vice-President and the Seal of the Company may be affixed by facsimile to any certificate of any such power and any such power of certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS WHEREOF, the Companies have caused these presents to be sealed with their corporate seals, duly attested by their President or any Senior Vice President this 16th day of March, 2021.



STATE OF OHIO)SS:
COUNTY OF BUTLER)

THE CINCINNATI INSURANCE COMPANY
THE CINCINNATI CASUALTY COMPANY

Stephen A. Ventre

On this 16th day of March, 2021 before me came the above-named President or Senior Vice President of The Cincinnati Insurance Company and The Cincinnati Casualty Company, to me personally known to be the officer described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of said Companies and the corporate seals and the signature of the officer were duly affixed and subscribed to said instrument by the authority and direction of said corporations.



Keith Collett

Keith Collett, Attorney at Law
Notary Public – State of Ohio

My commission has no expiration date.
Section 147.03 O.R.C.

I, the undersigned Secretary or Assistant Vice-President of The Cincinnati Insurance Company and The Cincinnati Casualty Company, hereby certify that the above is the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Power of Attorney is still in full force and effect.

Given under my hand and seal of said Companies at Fairfield, Ohio, this 31st day of May, 2024.



Ed H.

**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. 1	<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	Selge 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	Johnson & Fellows Intersection Drainage Improvements
Project Number	122-016A
Funding Source	Stormwater Infrastructure
Account No.	PR-00024005 PO-0024134
Amount	\$236,663.40
Terms of Contract	
Purpose/Description	<u>Project Closeout</u>

For Change Orders Only

Amount of	<input type="checkbox"/> Increase \$ _____ <input checked="" type="checkbox"/> Decrease (\$ 5,794.60)
Previous Amount	\$ 242,458.00
	Increase _____ %
Current Percent of Change:	Decrease (2.39%)
New Amount	\$ 236,663.40
	Increase _____ %
Total Percent of Change:	Decrease (2.39%)
Time Extension Amount:	0 Days
New Completion Date:	10/27/2023