

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. Dustin Hilary
Milestone Contractors North, Inc.
24358 State Road 23
South Bend, IN 46614
akrueger@milestonelp.com

RE: Change Order No. 2 (Final)/Project Completion Affidavit
Neighborhood Infrastructure - Riverside Dr. and Leland Ave.
Project No. 121-048A-R

Dear Mr. Hilary:

At its June 25, 2024 meeting, the Board of Public Works approved the Final Change Order for this project, be decreased by \$31,438.82. The final contract amount is \$792,214.54.

In addition, the Project Completion Affidavit for this project was approved in the amount of \$792,214.54. 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: 5/28/2024
 PROJECT NO: 121-048A-R
 PROJECT NAME: Neighborhood Infrastructure - Riverside Dr. and Leland Ave.
 CONTRACT DATE: 11/22/2022
 CHANGE ORDER NO: 2
 SUBJECT OF CHANGE ORDER: PCR #7-Final Deduct Quantity Adjustment

The original contract sum		\$	<u>824,000.00</u>
Net change by previously authorized change orders		\$	<u>-346.64</u>
The contract sum prior to this change order		\$	<u>823,653.36</u>
By this Change Order, the project amount is	<input type="checkbox"/> Increased		
	<input checked="" type="checkbox"/> Decreased	\$	<u>31,438.82</u>
The new contract sum including this change order		\$	<u>792,214.54</u>
This Change Order represents a total change of			<u>-3.82 %</u>
Total change for entire project			<u>-3.86 %</u>

Original contracted completion date/time 9/15/2023
 Extension of date/time by previous change orders 0 days
 Date/time extension by this change order 0 days
 New completion date/time 9/15/2023

CONTRACTOR

Edward J. Filipow
 Contractor Signature

Edward J. Filipow
 Printed Name and Title

Milestone Contractors North, Inc.
 Company Name

24358 State Road 23
 Address

South Bend, IN 46614
 City, State, Zip

RECOMMENDED FOR APPROVAL

Kyle Ludlow
 CONSTRUCTION MANAGER

CITY OF SOUTH BEND

BOARD OF PUBLIC WORKS

Approved Date:

CITY OF SOUTH BEND, INDIANA
 BOARD OF PUBLIC WORKS

Elizabeth A. Maradik

Elizabeth A. Maradik, President

Joseph R. Molnar

Joseph R. Molnar, Vice President

Gary A. Gilot

Gary A. Gilot, Member

Briana Micou

Briana Micou, Member

Murray L. Miller

Murray L. Miller, Member

ATTEST:

Theresa M. Helfner

Theresa M. Helfner, Clerk

Date: June 25, 2024

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



PROJECT NAME Neighborhood Infrastructure - Riverside Dr. and Leland Ave.
 PROJECT NO 121-048A-R FINAL COST \$792,214.54
 CONTRACT SIGNED 11/22/2022 MAINTENANCE AGREEMENT ENDS _____
 PROJECT DESCRIPTION Drainage and roadway improvements at the intersection of Leland Ave/Riverside Dr.

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 29th day of May, 2024.

[Signature]
 Signature
Dustin P. Hilary, Director of Estimating
 Printed Name

Milestone Contractors North, Inc.
 Company Name
24358 State Road 23
 Company Address
South Bend, IN 46614
 City, State, Zip

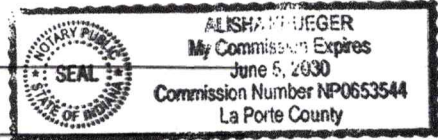
WITNESSESS:

Before me, the undersigned Notary Public in and for said country and state, personally appeared Dustin P. Hilary, and acknowledged his/her signature to the above Project Completion Affidavit on

the 29th day of May, 2024.

[Signature]
 Notary Signature
Alisha Krueger
 Printed Name

My Commission Expires 6/5/2030
 County of Residence LaPorte



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

I, Danielle Payne, certify that I am Secretary of the Corporation executing this release; that Dustin P. Hilary who signed this release on behalf of the contractor was the Director of Estimating 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
Danielle Payne
 Printed Name



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
[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
 Attest: [Signature] Theresa M. Heffner, Clerk
 Date: June 25, 2024

Final Waiver of Lien

State of Indiana, County of

St. Joseph

SS:

DUSTIN P. HILARY

(Name of Officer)

being duly sworn that he/she is the

DIRECTOR OF ESTIMATING

(Title)

of Milestone Contractors North, LLC (F/K/A INC.)

(Contractor)

having contracted with

CITY OF SOUTH BEND

(Owner)

to furnish certain materials and/or labor as follows:

ROAD RECONSTRUCTION

(Description)

for a project known as

NEIGHBORHOOD INFRASTRUCTURE- RIVERSIDE DR. & LELAND AVE.

(Name of Project)

located at

RIVERSIDE DR. & LELAND AVE.

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

(\$ 39,610.73)

receipt of which is hereby acknowledged; or

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 ^{Owner} contractor is the sum of
THIRTY-NINE THOUSAND, SIX HUNDRED AND TEN DOLLARS 73/100

39,610.73

(\$ 39,610.73)

receipt of which is hereby acknowledged; or

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 b 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.

Milestone Contractors North, LLC (F/K/A INC.)

(Firm)

By

(Authorized Representative)

STATE OF INDIANA)

) SS:

ST. JOSEPH COUNTY)

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared DUSTIN P. HILARY

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 29TH day of

MAY

200 2024 .

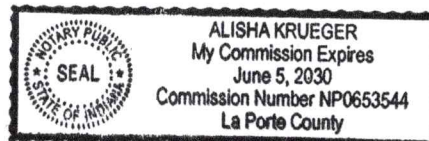
Alisha Krueger
Notary Public Signature

My Commission Expires: 6/5/2030

Residing in LaPorte County, Indiana

Alisha Krueger

Notary Public Name



MAINTENANCE BOND

Bond No. MNT30176475

KNOW ALL PERSONS BY THESE PRESENTS, That we Milestone Contractors North, Inc.
_____ of
24358 State Road 23, South Bend, IN 46614, hereinafter
referred to as the Principal, and Continental Casualty Company,
as Surety, are held and firmly bound unto City of South Bend
of 227 West Jefferson Blvd., South Bend, IN 46601, hereinafter
referred to as the Obligee, in the sum of Seventy Nine Thousand Two Hundred Twenty One Dollars and 45/100
Dollars (\$ 79,221.45), for the payment of which we bind ourselves, our legal representatives, successors
and assigns, jointly and severally, firmly by these presents.

WHEREAS, the said Principal entered into a contract with the City of South Bend
_____ dated
November 22, 2022, for Project No. 121-048A-R; Neighborhood Infrastructure -
Riverside Dr. and Leland Ave.

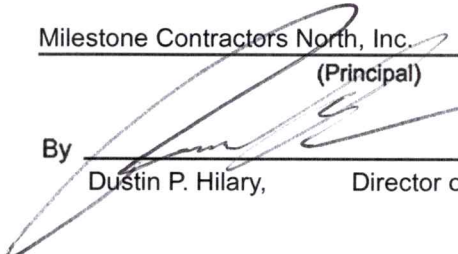
WHEREAS, said contract provides that the Principal will furnish a bond conditioned to guarantee for the period of
Three (3) year(s) after approval of the final estimate on said job, by the owner, against all defects in
workmanship and materials which may become apparent during said period, and

WHEREAS, the said contract has been completed, and was approved on _____, _____.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that, if the Principal shall indemnify the
Obligee for all loss that the Obligee may sustain by reason of any defective materials or workmanship which
become apparent during the period of Three (3) year(s) from and after _____
then this obligation shall be void, otherwise to remain in full force and effect.


SIGNED, SEALED AND DATED this 22nd day of May, 2024.

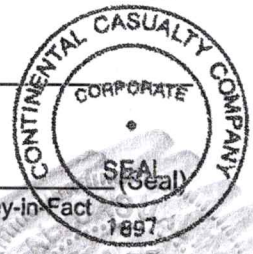
Milestone Contractors North, Inc.
(Principal)

By 
Dustin P. Hilary, Director of Estimating



Continental Casualty Company
(Surety)

By 
Angela M. Riley, Attorney-in-Fact



POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That Continental Casualty Company, an Illinois insurance company, National Fire Insurance Company of Hartford, an Illinois insurance company, and American Casualty Company of Reading, Pennsylvania, a Pennsylvania insurance company (herein called "the CNA Companies"), are duly organized and existing insurance companies having their principal offices in the City of Chicago, and State of Illinois, and that they do by virtue of the signatures and seals herein affixed hereby make, constitute and appoint

Angela M. Riley, Individually

of Carmel, IN their true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on their behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

Surety Bond No: MNT30176475

Principal: Milestone Contractors North, Inc.

Obligee: City of South Bend

and to bind them thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of their insurance companies and all the acts of said Attorney, pursuant to the authority hereby given is hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Laws and Resolutions, printed below, duly adopted, as indicated, by the Boards of Directors of the insurance companies.

In Witness Whereof, the CNA Companies have caused these presents to be signed by their Vice President and their corporate seals to be hereto affixed on this 9th day of January, 2024.



Continental Casualty Company
National Fire Insurance Company of Hartford
American Casualty Company of Reading, Pennsylvania

Signature of Larry Kasten

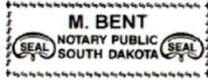
Larry Kasten Vice President

State of South Dakota, County of Minnehaha, ss:

On this 9th day of January, 2024, before me personally came Larry Kasten to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is a Vice President of Continental Casualty Company, an Illinois insurance company, National Fire Insurance Company of Hartford, an Illinois insurance company, and American Casualty Company of Reading, Pennsylvania, a Pennsylvania insurance company described in and which executed the above instrument; that he knows the seals of said insurance companies; that the seals affixed to the said instrument are such corporate seals; that they were so affixed pursuant to authority given by the Boards of Directors of said insurance companies and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said insurance companies.

My commission expires

March 2, 2026



M. Bent Notary Public

CERTIFICATE

I, D. Johnson, Assistant Secretary of Continental Casualty Company, an Illinois insurance company, National Fire Insurance Company of Hartford, an Illinois insurance company, and American Casualty Company of Reading, Pennsylvania, a Pennsylvania insurance company do hereby certify that the Power of Attorney herein above set forth is still in force, and further certify that the By-Laws and Resolutions of the Board of Directors of the insurance companies printed below are still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said insurance companies this 22nd day of May, 2024.

Continental Casualty Company
National Fire Insurance Company of Hartford
American Casualty Company of Reading, Pennsylvania

Signature of D. Johnson

D. Johnson Assistant Secretary

Authorizing By-Laws and Resolutions

ADOPTED BY THE BOARD OF DIRECTORS OF EACH OF CONTINENTAL CASUALTY COMPANY, NATIONAL FIRE INSURANCE COMPANY OF HARTFORD, and AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA (as defined above, the "CNA Companies"):

This Power of Attorney is made and executed pursuant to and by authority of the following resolution duly adopted by the Board of Directors of each of the above CNA Companies at a meeting held on May 12, 1995:

"RESOLVED: That any Senior or Group Vice President may authorize an officer to sign specific documents, agreements and instruments on behalf of the Company provided that the name of such authorized officer and a description of the documents, agreements or instruments that such officer may sign will be provided in writing by the Senior or Group Vice President to the Secretary of the Company prior to such execution becoming effective."

This Power of Attorney is signed by Larry Kasten, Vice President, who has been authorized pursuant to the above resolution to execute power of attorneys on behalf of each of the CNA Companies.

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of each of the above Companies by unanimous written consent dated the 25th day of April, 2012:

"Whereas, the bylaws of the Company or specific resolution of the Board of Directors has authorized various officers (the "Authorized Officers") to execute various policies, bonds, undertakings and other obligatory instruments of like nature; and

Whereas, from time to time, the signature of the Authorized Officers, in addition to being provided in original, hard copy format, may be provided via facsimile or otherwise in an electronic format (collectively, "Electronic Signatures"); Now therefore be it resolved: that the Electronic Signature of any Authorized Officer shall be valid and binding on the Company."

This Power of Attorney may be signed by digital signature and sealed by a digital or otherwise electronic-formatted corporate seal under and by the authority of the following Resolution adopted by the Board of Directors of each of the above CNA Companies by unanimous written consent dated the 27th day of April, 2022:

"RESOLVED: That it is in the best interest of the Company to periodically ratify and confirm any corporate documents signed by digital signatures and to ratify and confirm the use of a digital or otherwise electronic-formatted corporate seal, each to be considered the act and deed of the Company."

Go to www.cnasurety.com > Owner / Obligee Services > Validate Bond Coverage, if you want to verify bond authenticity.

**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	Milestone Contractors North, 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	Neighborhood Infrastructure- Riverside Dr. and Leland Ave.
Project Number	121-048A-R
Funding Source	Infrastructure Bon, Council Appropriation
Account No.	PR-00018294 PO-0020314
Amount	\$792,214.54
Terms of Contract	
Purpose/Description	Project Closeout

For Change Orders Only

Amount of	<input type="checkbox"/> Increase \$ _____ <input checked="" type="checkbox"/> Decrease (\$ 31,438.82)
Previous Amount	\$ 823,653.36
Current Percent of Change:	Increase _____ % Decrease (3.82%)
New Amount	\$ 792,214.54
Total Percent of Change:	Increase _____ % Decrease (3.86%)
Time Extension Amount:	0 Days
New Completion Date:	9/15/2023