

June 9, 2022

The Honorable Mayor and City Council City of Montgomery 101 Old Plantersville Road Montgomery, Texas 77316

Re: Acceptance of Public Infrastructure Downtown Waterline Replacement City of Montgomery

Dear Mayor and City Council:

We have conducted a final inspection of the referenced project, and find the project to be substantially complete in accordance with the approved plans and specifications, and the contractor has addressed all items at the final inspection. The contractor has provided the required maintenance bond for the infrastructure as well as the enclosed Pay Estimate No. 11 and final in the amount of \$113,923.43. We recommend the City accept the public water infrastructure, and begin the one-year warranty period, which will end on December 16, 2022.

Sincerely,

Chris Romonsty

Chris Roznovsky, PE Engineer for the City

CVR/kv:zlgt

Z:\00574 (City of Montgomery)\\_900 General Consultation\Correspondence\Letters\2022.06.08 MEMO to Council RE Downtown Waterline Acceptance.docx

- Enclosures: Certificate of Substantial Completion Final Punchlist Certificate of Acceptance Pay Estimate No. 11
- Cc (via email): Mr. Dave McCorquodale City of Montgomery, Interim City Administrator and Director of Planning & Development Ms. Nici Browe – City of Montgomery, City Secretary Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney



Job #: W5841-0028-00 Downtown Waterline Replacement - Rebid

Jones & Carter, Inc. 1575 Sawdust Rd, Suite 400 The Woodlands, Texas 77380-4241 United States (713) 389-1566

#### Punch Items for W5841-0028-00 - Downtown Waterline Replacement - Rebid

12 Items

#### **#1: Provide final As Built Plans**

Type:	Location:
Date Created: <b>10/20/2021</b>	Due Date: <b>10/25/2021</b>
Priority: High	Status: Closed by Michael Carpenter on 11/16/2021
Creator: Michael Carpenter	Reference:
Punch Item Manager: <b>Michael Carpenter</b>	Final Approver: <b>Michael Carpenter</b>
Ball in Court:	Assignee Name: <b>Gutierrez, Adrian (Nerie Construction)</b> <i>Resolved</i>
Description:	

# #2: Remove work debris, survey staking, one call flags and sand bags from work areas at SH 105 & Cemetery, SH 105 & Pond Street,

Type: Date Created:	Location: Due Date:	
<b>10/20/2021</b> Priority:	10/27/2021 Status: Closed by Michael Carpenter on 11/18/2021	entry and a second
Creator: <b>Michael Carpenter</b>	Reference:	
Punch Item Manager: <b>Michael Carpenter</b>	Final Approver: <b>Michael Carpenter</b>	
Ball in Court:	Assignee Name:	
Description:		



# #3: Coat Air Release Vent Pipe and add screen to vent pipe outlet

Туре:	Location:
Date Created: 10/20/2021	Due Date: <b>11/03/2021</b>
Priority: <b>Medium</b>	Status: Closed by Michael Carpenter on 10/29/2021
Creator: <b>Michael Carpenter</b>	Reference:
Punch Item Manager: Michael Carpenter	Final Approver: Michael Carpenter
Ball in Court:	Assignee Name: <b>Gutierrez, Adrian (Nerie</b> <b>Construction)</b> <i>Resolved</i>



Description:

## #4: Confirm final stabilization and grass growth

Type:	Location:
Date Created: 10/20/2021	Due Date: 11/03/2021
Priority: <b>Medium</b>	Status: Closed by Jim Gregg on 11/18/ 2021
Creator: <b>Michael Carpenter</b>	Reference:
Punch Item Manager: Michael Carpenter	Final Approver: <b>Michael Carpenter</b>
Ball in Court:	Assignee Name: <b>Gutierrez, Adrian (Nerie Construction)</b> <i>Work Required</i>



Description:

### #5: Remove traffic cone in trees on Pond Streets by Kirk's

Туре:	Location:
Date Created: 10/20/2021	Due Date: <b>11/03/2021</b>
Priority: <b>Medium</b>	Status: Closed by Jim Gregg on 11/18/ 2021
Creator: Michael Carpenter	Reference:
Punch Item Manager: Michael Carpenter	Final Approver: <b>Michael Carpenter</b>
Ball in Court:	Assignee Name: <b>Gutierrez, Adrian (Nerie Construction)</b> <i>Work Required</i>



Description:

#### #6: Remove old A Box at Caroline & Pond

Туре:	Location:
Date Created: <b>10/20/2021</b>	Due Date: <b>11/03/2021</b>
Priority: <b>Medium</b>	Status: Closed by Jim Gregg on 11/18/ 2021
Creator: Michael Carpenter	Reference:
Punch Item Manager: <b>Michael Carpenter</b>	Final Approver: Michael Carpenter
Ball in Court:	Assignee Name: <b>Gutierrez, Adrian (Nerie Construction)</b> <i>Ready for Review</i>
Decemintion	



Description:

### **#7: Add fill and regrade/seed at Jim's Hardware corner of parking lot**

Туре:	Location:
Date Created: 10/20/2021	Due Date: <b>11/03/2021</b>
Priority:	Status:

High	Closed by Michael Carpenter on 10/29/2021
Creator: <b>Michael Carpenter</b>	Reference:
Punch Item Manager: <b>Michael Carpenter</b>	Final Approver: Michael Carpenter
Ball in Court:	Assignee Name: <b>Gutierrez, Adrian (Nerie</b> <b>Construction)</b> <i>Resolved</i>

Description:

### #8: Repair and regrade/seed reels at Jims Hardware at Liberty & Berkeley

Туре:	Location:
Date Created: 10/20/2021	Due Date: 11/03/2021
Priority: <b>Medium</b>	Status: Closed by Michael Carpenter on 10/29/2021
Creator: <b>Michael Carpenter</b>	Reference:
Punch Item Manager: <b>Michael Carpenter</b>	Final Approver: <b>Michael Carpenter</b>
Ball in Court:	Assignee Name: <b>Gutierrez, Adrian (Nerie Construction)</b> <i>Resolved</i>
Description:	



	<b>T</b>
Туре:	Location:
Date Created:	Due Date:
10/20/2021	10/31/2021
Priority:	Status:
High	Closed by Michael Carpenter on 11/16/2021
Creator:	Reference:
Creator: <b>Michael Carpenter</b>	Reference:
	Reference: Final Approver:
Michael Carpenter	
<b>Michael Carpenter</b> Punch Item Manager:	Final Approver:







Description:

#### **#10:** Add asphalt lot for Drapery shop per pre construction photos

Туре:	Location:	
Date Created: 10/20/2021	Due Date: 11/03/2021	
Priority: <b>Medium</b>	Status: Closed by Michael Carpenter on 10/27/2021	
Creator: <b>Michael Carpenter</b>	Reference:	· · · · · · · · · · · · · · · · · · ·
Punch Item Manager: Michael Carpenter	Final Approver: Michael Carpenter	
Ball in Court:	Assignee Name: Gutierrez, Adrian (Nerie Construction) Resolved	

#### Description:

#### **#11: Regrade Monte West Property with Assistance from City of Montgomery per agreement**

Туре:	Location:
Date Created: 10/20/2021	Due Date: 11/10/2021
Priority: <b>Medium</b>	Status: Closed by Michael Carpenter on 11/16/2021
Creator: <b>Michael Carpenter</b>	Reference:
Punch Item Manager: Michael Carpenter	Final Approver: <b>Michael Carpenter</b>
Ball in Court:	Assignee Name: <b>Gutierrez, Adrian (Nerie Construction)</b> <i>Resolved</i>



Description:

#### #12: Remove abandoned valve boxes at Shepherd & 105, 105 & Heritage Driveway

Date Created:	
11/02/2021	

Priority:

#### Creator: Michael Carpenter

Punch Item Manager: Michael Carpenter

Ball in Court:

Description:

Due Date: 11/09/2021

Status: Closed by Michael Carpenter on 11/18/2021

Reference:

Final Approver: **Michael Carpenter** 

> Assignee Name: Gutierrez, Adrian (Nerie Construction) Ready for Review





January 24, 2022

The Honorable Mayor and City Council City of Montgomery 101 Old Plantersville Road Montgomery, TX 77316

Re: Construction of Downtown Waterline Replacement - Rebid City of Montgomery TIN No. 74-2063592

Dear Mayor and Council:

Enclosed is Progress Payment Request No. 11 & Final from Nerie Construction, LLC for the referenced project. The estimate is in order and we recommend payment in the amount of \$113,923.43 to Nerie Construction, LLC.

Also enclosed is Construction Progress Report No. 11 & Final, which is submitted in accordance with Texas Commission on Environmental Quality Rule No. 293.62. This report covers construction activities for the referenced project during the period October 26, 2021 to December 15, 2021.

You will also find your copies of the Contractor's Affidavits of Bills paid and Affidavit of Guarantee, and our Certificate of Substantial Completion. Copies of the Certificate of Acceptance will be forwarded to you under separate cover, and we will distribute copies for your records after approval and execution.

Sincerely,

Don M. Durgin, PE

DMD:wsl/tls

K:\W5841-0028-00 SH - 105 Waterline Replacement\3 Construction Phase\5. Pay Estimates & Change Orders\W5841-0028-00 Est Letter.docx Enclosure

cc: Nerie Construction, LLC

Mr. Richard Tramm – City of Montgomery, City Administrator

Ms. Susan Hensley – City of Montgomery, City Secretary

- Mr. Alan Petrov Johnson Petrov, LLP, City Attorney
- Mr. Christopher Roznovsky, PE Ward, Getz & Associates, LLP City Engineer

January 24, 2022

Construction Progress Report No. 11 & Final Period October 26, 2021 to December 15, 2021

Construction of Downtown Waterline Replacement - Rebid City of Montgomery TIN No. 74-2063592

#### Contract:

- A. Contractor: Nerie Construction, LLC
- B. Contract Date: November 25, 2020
- C. Authorization to Proceed: January 4, 2021 (210 Calendar Days)
- D. Completion Date: August 2, 2021
- E. Contract Time Used: 345 Calendar Days (164%)
  - I. General

Contractor has completed the project in full including all punch list items from the final inspection.

- II. Change Orders None Issued this Report.
- III. Completion Report
  - A. Cost as of this Report Period

	<ol> <li>Contract Bid Price</li> <li>Change Orders</li> <li>Adjustment to Final Quantity</li> <li>Total Contract Price</li> </ol>	\$ \$ \$	913,838.00 18,595.30 (-40,699.00) 891,734.30
В.	Actual cost as of this Report	\$	891,734.30
C.	Amount Retained (10% of B)	\$	0.00
D.	Total Paid Contractor	\$	891,734.30
E.	Estimated Cost Remaining (A.3 - B)	\$	0.00
F.	Construction Complete (B/A.3)		100%

IV. Frequency of Observation – Periodically

#### V. Noteworthy Items: No Items this Report.





OWNER	: City of Montgomery				PROGRESS PAYME	NT # 11 & Final					
										CONTRACT	DATES
PROJEC	T: Construction of Downtown Waterline Repla	cement								FROM	TO
									ORIGINAL	04-Jan-21	13-Jun-21
	. : W5841-0028-00								REVISED	04-Jan-21	02-Aug-21
	ACTOR: Nerie Construction, LLC								THIS EST.	26-Oct-21	15-Dec-21
ITEM			ESTIMATED	UNIT	THIS	ESTIMATE	PREVIO	US ESTIMATE		AL TO DATE	REMARKS
NO.	DESCRIPTION	UNIT	QUANTITY	PRICE	QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT	
	GENERAL										
1	Move-in and start-up, including performance and payment bonds for 100 percent (100%) of the contract amount, a certificate of insurance, a completed certificate of interested parties Form 1295, and weekly project schedules as directed by Engineer.	LS	1.0	\$45,500.00	0.0%	\$0.00	100.0%	\$45,500.00	100.0%	\$45,500.00	100.0%
	SH-105 (BASE BID)										
2							-				
			Bid I	tem No. 2	Removed i	n Lieu of A	warded I	Bid Item N	o. A16		
3	Additional cost for Trenchless Construction of 12-inch C-900 AWWA (DR18) Class 235 waterline, including excavation and backfill of bore pits, and fittings (not including pipe), complete in place. Unit price must match Bid Item Nos. 16 and 23.	LF	405.0	\$65.00	0.0	\$0.00	614.0	\$39,910.00	614.0	\$39,910.00	151.6%
4	Additional cost for 12-inch C-900 AWWA (DR18) Class 235 waterline by pipebursting, including excavation and backfill of bore pits, and fittings (not including pipe), complete in place.	LF	729.0	\$130.00	0.0	\$0.00	582.0	\$75,660.00	582.0	\$75,660.00	79.8%
5	12-inch resilient wedge gate valve (Mueller) including box (counter-clockwise open), concrete base block, riser, and 2'x2' concrete pad, complete in place. Unit price must match Bid Item Nos. 18 and 24.	EA	5.0	\$7,200.00	0.0	\$0.00	3.0	\$21,600.00	3.0	\$21,600.00	60.0%
6	Connect proposed 12-inch waterline to existing 12-inch waterline, including removal of existing 2-inch blow-off and 12-inch plug, complete in place. Unit price must match Bid Item No. 25.	EA	3.0	\$4,000.00	0.0	\$0.00	3.0	\$12,000.00	3.0	\$12,000.00	100.0%



#### OWNER: City of Montgomery PROGRESS PAYMENT # 11 & Final CONTRACT DATES PROJECT: Construction of Downtown Waterline Replacement FROM то 13-Jun-21 ORIGINAL 04-Jan-21 JOB NO. : W5841-0028-00 REVISED 04-Jan-21 02-Aug-21 CONTRACTOR: Nerie Construction, LLC THIS EST. 26-Oct-21 15-Dec-21 ESTIMATED UNIT THIS ESTIMATE PREVIOUS ESTIMATE TOTAL TO DATE REMARKS ITEM NO. DESCRIPTION UNIT QUANTITY PRICE QUANTITY AMOUNT QUANTITY AMOUNT QUANTITY AMOUNT 8-inch resilient wedge gate valve (Mueller) \$3,800.00 0.0 1.0 \$3,800.00 100.0% 7 ΕA 1.0 \$0.00 1.0 \$3,800.00 including box (counter-clockwise open), concrete base block, riser, and 2'x2' concrete pad, complete in place. 8 6-inch resilient wedge gate valve (Mueller) ΕA 1.0 \$3,300.00 0.0 \$0.00 1.0 \$3,300.00 1.0 \$3,300.00 100.0% including box (counter-clockwise open), concrete base block, riser, and 2'x2 concrete pad, complete in place. Unit price must match Bid Item No. 20 9 Connect proposed 12-inch waterline to ΕA 2.0 \$4,000.00 0.0 \$0.00 2.0 \$8,000.00 2.0 \$8,000.00 100.0% existing 8-inch waterline, including removal of existing 2-inch blow-off and 8-inch plug, complete in place. Connect proposed 12-inch waterline to 1.0 \$4,000.00 4.0 \$16,000.00 0.0 \$0.00 4.0 \$16,000.00 10 EA. 400.0% existing 6-inch waterline, complete in place. 11 Flushing valve, bury as shown, (including ΕA 5.0 \$4,000.00 0.0 \$0.00 5.0 \$20,000.00 5.0 \$20,000.00 100.0% lead and gate valve), complete in place. Unit price must match Bid Item Nos. 19 and 26. 12 12-inch x 6-inch tapping sleeve and valve ΕA 1.0 \$5,500.00 0.0 \$0.00 1.0 \$5,500.00 1.0 \$5,500.00 100.0% with Box, complete in place. 13 2-inch Air Release Valve, including precast EA 1.0 \$15,000.00 0.0 \$0.00 1.0 \$15,000.00 1.0 \$15,000.00 100.0% concrete box, tapped into proposed 12-inch water main, as specified per City of Montgomery Standard Details, complete in place. Reconnect existing water meters to new 12-\$1,500.00 \$0.00 \$4,500.00 \$4,500.00 100.0% 14 ΕA 3.0 0.0 3.0 3.0 inch waterline, as directed by engineer, complete in place. Unit price must match Bid Item Nos. 21 and 27.



OWNER	: City of Montgomery				PROGRESS PAYME	NT # 11 & Final					
	CONTRACT DATES							DATES			
PROJEC	T: Construction of Downtown Waterline Replace	ement								FROM	то
											13-Jun-21
JOB NO	. : W5841-0028-00								REVISED	04-Jan-21	02-Aug-21
CONTRA	ACTOR: Nerie Construction, LLC								THIS EST.	26-Oct-21	15-Dec-21
ITEM			ESTIMATED	UNIT	THIS	ESTIMATE	PREVIO	US ESTIMATE	TOT	AL TO DATE	REMARKS
NO.	DESCRIPTION	UNIT	QUANTITY	PRICE	QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT	
	POND STREET (BASE BID)										
15											
			Bid I	tem No. 15	5 Removed	in Lieu of	Awarded	Bid Item N	No. A16	[	
16	Additional cost for Trenchless Construction of 12-inch C-900 AWWA (DR18) Class 235 waterline, including excavation and backfill of bore pits, and fittings (not including pipe), complete in place. Unit price must match Bid Item Nos. 3 and 23.	LF	646.0	\$65.00	0.0	\$0.00	1,180.0	\$76,700.00	1,180.0	\$76,700.00	182.7%
17	Additional cost for 20-inch steel casing, complete in place.	LF	65.0	\$300.00	0.0	\$0.00	65.0	\$19,500.00	65.0	\$19,500.00	100.0%
18	12-inch resilient wedge gate valve (Mueller) including box (counter-clockwise open), concrete base block, riser, and 2'x2' concrete pad, complete in place. Unit price must match Bid Item Nos. 5 and 24.	EA	4.0	\$7,200.00	0.0	\$0.00	4.0	\$28,800.00	4.0	\$28,800.00	100.0%
19	Flushing valve, bury as shown, (including lead and gate valve), complete in place. Unit price must match Bid Item Nos. 11 and 26.	EA	2.0	\$4,000.00	0.0	\$0.00	2.0	\$8,000.00	2.0	\$8,000.00	100.0%
20	6-inch resilient wedge gate valve (Mueller) including box (counter-clockwise open), concrete base block, riser, and 2'x2' concrete pad, complete in place. Unit price must match Bid Item No. 8.	EA	1.0	\$3,300.00	0.0	\$0.00	3.0	\$9,900.00	3.0	\$9,900.00	300.0%
21	Reconnect existing water meters to new 12- inch waterline, as directed by engineer, complete in place. Unit price must match Bid Item Nos. 14 and 27.	EA	6.0	\$1,500.00	0.0	\$0.00	6.0	\$9,000.00	6.0	\$9,000.00	100.0%



OWNER	: City of Montgomery				PROGRESS PAYME	NT # 11 & Final					
								CONTRACT			
PROJEC	T: Construction of Downtown Waterline Replace	ement								FROM	то
									ORIGINAL	04-Jan-21	13-Jun-21
	: W5841-0028-00								REVISED	04-Jan-21	02-Aug-21
	ACTOR: Nerie Construction, LLC								THIS EST.	26-Oct-21	15-Dec-21
ITEM	DECONDICAL		ESTIMATED	UNIT		ESTIMATE				TAL TO DATE	REMARKS
NO.	DESCRIPTION FM-149 (BASE BID)	UNIT	QUANTITY	PRICE	QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT	
22											
			Bid I	tem No. 22	2 Removed	in Lieu of	Awarded	Bid Item I	No. A16	1	
	Additional cost for Trenchless Construction of 12-inch C-900 AWWA (DR18) Class 235 waterline, including excavation and backfill of bore pits, and fittings (not including pipe), complete in place. Unit price must match Bid Item Nos. 3 and 16.	LF	527.0	\$65.00	0.0	\$0.00	635.0	\$41,275.00	635.0	\$41,275.00	120.5%
	12-inch resilient wedge gate valve (Mueller) including box (counter-clockwise open), concrete base block, riser, and 2'x2' concrete pad, complete in place. Unit price must match Bid Item Nos. 5 and 18.	EA	1.0	\$7,200.00	0.0	\$0.00	1.0	\$7,200.00	1.0	\$7,200.00	100.0%
	Connect proposed 12-inch waterline to existing 12-inch waterline, including removal of existing 2-inch blow-off and 12-inch plug, complete in place. Unit price must match Bid Item No. 6.	EA	1.0	\$4,000.00	0.0	\$0.00	1.0	\$4,000.00	1.0	\$4,000.00	100.0%
	Flushing valve, bury as shown, (including lead and gate valve), complete in place. Unit price must match Bid Item Nos. 11 and 19.	EA	1.0	\$4,000.00	0.0	\$0.00	1.0	\$4,000.00	1.0	\$4,000.00	100.0%
	Reconnect existing water meters to new 12- inch waterline, as directed by engineer, complete in place. Unit price must match Bid Item Nos. 14 and 21.	EA	2.0	\$1,500.00	0.0	\$0.00	1.0	\$1,500.00	1.0	\$1,500.00	50.0%



#### OWNER: City of Montgomery PROGRESS PAYMENT # 11 & Final CONTRACT DATES PROJECT: Construction of Downtown Waterline Replacement FROM то 13-Jun-21 ORIGINAL 04-Jan-21 JOB NO. : W5841-0028-00 REVISED 04-Jan-21 02-Aug-21 CONTRACTOR: Nerie Construction, LLC THIS EST. 26-Oct-21 15-Dec-21 ESTIMATED UNIT THIS ESTIMATE PREVIOUS ESTIMATE TOTAL TO DATE REMARKS ITEM NO. DESCRIPTION UNIT QUANTITY PRICE QUANTITY AMOUNT QUANTITY AMOUNT QUANTITY AMOUNT SUPPLEMENTAL ITEMS Trench safety system for all pipe sizes and LF 1,969.0 \$2.00 0.0 \$0.00 87.0 \$174.00 87.0 \$174.00 4.4% 28 depths. 0.0% 29 Traffic Control Plan per plans, complete in LS 1.0 \$50,000.00 \$0.00 100.0% \$50,000.00 100.0% \$50,000.00 100.0% place. 30 Placement of reinforced filter fabric fence, LF 4,500.0 \$3.00 0.0 \$0.00 1,685.0 \$5,055.00 1,685.0 \$5,055.00 37.4% per plans and as directed by Engineer (including installation, maintenance, and removal). 31 Hydro-mulch seeding of rights-of-way and LS 1.0 \$23,000.00 50.0% \$11.500.00 50.0% \$11,500.00 100.0% \$23.000.00 100.0% adjacent Easements (less pavement area). Contractor to ensure growth of vegetation by whatever means necessary, including reseeding, over-seeding or watering at no separate pay. \$139.750.00 32 Temporary water service (6") with LF 3.924.0 \$50.00 0.0 \$0.00 2.795.0 2.795.0 \$139.750.00 71.2% connection to all existing water meters to all users throughout construction (includes installation, disinfection, connection, and disconnection), as directed by Engineer. 33 Additional Back Taps ΕA 2.0 \$2,560.00 0.0 \$0.00 2.0 \$5,120.00 2.0 \$5,120.00 100.0% \*\*\* CHANGE ORDER NO. 1 \*\*\* ΕA 2.0 34 Additional Mobilizations \$3,000.00 0.0 \$0.00 2.0 \$6,000.00 2.0 \$6,000.00 100.0% \*\*\* CHANGE ORDER NO. 1 \*\*\* 35 Waterline Offset LS 1.0 \$3,475.30 0.0% \$0.00 100.0% \$3,475.30 100.0% \$3,475.30 100.0% \*\*\* CHANGE ORDER NO. 1 \*\*\* 12X6 Wet Connection 36 ΕA 1.0 \$4.000.00 0.0 \$0.00 1.0 \$4.000.00 1.0 \$4.000.00 100.0% \*\*\* CHANGE ORDER NO. 1 \*\*\*



OWNER	: City of Montgomery				PROGRESS PAYME	NT # 11 & Final					
										CONTRACT	DATES
PROJECT	Γ: Construction of Downtown Waterline Replace	cement								FROM	то
									ORIGINAL	04-Jan-21	13-Jun-21
JOB NO.	: W5841-0028-00								REVISED	04-Jan-21	02-Aug-21
CONTRA	CTOR: Nerie Construction, LLC								THIS EST.	26-Oct-21	15-Dec-21
ITEM			ESTIMATED	UNIT	THIS	ESTIMATE	PREVIO	US ESTIMATE	тот	AL TO DATE	REMARKS
NO.	DESCRIPTION	UNIT	QUANTITY	PRICE	QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT	
	ALTERNATE NO. 3 (GENERAL)										
A16	12-inch Restrained Joint C-900 AWWA	LF	3,372.0	\$55.00	0.0	\$0.00	3,173.0	\$174,515.00	3,173.0	\$174,515.00	94.1%
	(DR18) Class 235 waterline, including fittings										
	(tees, bends, joints, and flanges), removal										
	and replacement of sidewalk, removal of										
	existing asphalt pavement and installation of										
	stabilized gravel, copper tracer wire, thrust										
	blocks, bedding, backfill and testing,										
	complete in place, in lieu of Bid Item Nos. 2,										
	15, and 22.										



OWNER	City of Montgomery			PROGRESS PAYMEN	IT # 11 & Final					
									CONTRACT	
PROJECT	: Construction of Downtown Waterline Rep	placement							FROM	TO
								ORIGINAL	04-Jan-21	13-Jun-21
	: W5841-0028-00							REVISED	04-Jan-21	02-Aug-21
ITEM	CTOR: Nerie Construction, LLC	ESTIMATED	UNIT	тыс ғ	STIMATE		US ESTIMATE	THIS EST.	26-Oct-21 TAL TO DATE	15-Dec-21 REMARKS
NO.	DESCRIPTION	UNIT QUANTITY	PRICE	QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT	NEWIANK5
MATERI	ALS ON HAND			_		_		_	\$0.00	
				_	\$0.00	-	\$0.00	-	\$0.00	
TOTAL N	IATERIALS ON HAND									
		CHANGE ORDER PLUS/	MINUS	VALUE	DAYS					
		Change Order No. 001		\$18,595.30	50				\$18,595.30	
		Adjusttments fo Final C	wantities	(\$40,699.00)	50				(\$40,699.00)	
			admenered	(\$ .0,000100)					(\$10,000,000)	•
		TOTAL CONTRAC	T MODIFICA	TIONS					(\$22,103.70)	
		Subtotal (Line Items)			\$27,500.00		\$864,234.30		\$891,734.30	
		Materials on Hand		-	\$0.00	-	\$0.00	-	\$0.00	
		Subtotal (Materials on	Hand/Line Items)		\$27,500.00		\$864,234.30		\$891,734.30	
0	Impact Days Requested this Pay Period	Less Retainage (0%)		_	(\$86,423.43)	_	\$86,423.43	_	\$0.00	
0	Impact Days Approved this Pay Period									
		Total			\$113,923.43		\$777,810.87		\$891,734.30	
0	Impact Days Approved to Date	Less Previous Estimate							\$777,810.87	
50	Change Order Days	Less Frevious Estimate.	•						\$777,010.87	
		Due this Estimate							\$113,923.43	
135	Days Over Contract Time									
164%	Complete by Time	Orig. Contract Amount		\$913,838.00						
100%	Complete by Value	Contract Modifications		(\$22,103.70)						
		Total Contract Amount		\$891,734.30						
		Construction Remainin	5	\$0.00		APPROVED BY JO	ONES CARTER			
		Amount Approved		\$113,923.43	0	BC.	ungen			
						BY: Don M. Dur	gin, PE			

#### AFFIDAVIT OF BILLS PAID

STATE OF TEXAS	§	
	§	KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HARRIS	§	

Personally, before me the undersigned authority, on this day appeared Rosa Contreras, who being duly sworn on oath, says that he is a representative of Nerie Construction, LLC and that the contract for the construction of the project,

Designated as: City of Montgomery Downtown Waterline Replacement

Pro. No. W5841-0028-00

has been satisfactorily completed and that all bills for materials, subcontractors, apparatus, fixtures, machinery, labor, and equipment used in connection with the construction of this project have been fully paid.

Signature

Rosa Contreras - Contract Admin. Printed Name & Title

Subscribed and Sworn to, before me this, the  $\mathcal{A}$ day of

My Commission Expires:



Notary Public in and for

Harris County, Texas

#### TEXAS CONDITIONAL WAIVER AND RELEASE ON FINAL PAYMENT

Project:\_Downtown Waterline Replacement- Rebid for City of Montgomery Job No. \_W5841-0028-00

On receipt by the signer of this document of a check from City of Montgomery (maker of check) in the sum of \$113,923.43 payable to Nerie Construction LLC (payee or payees of check) and when the check has been properly endorsed and has been paid by the bank on which it is drawn, this document becomes effective to release any mechanic's lien right, any right arising from a payment bond that complies with a state or federal statute, any common law payment bond right, any claim for payment, and any rights under any similar ordinance, rule, or statute related to claim or payment rights for persons in the signer's position that the signer has on the property of City of Montgomery (owner) located at City of Montgomery (location) to the following extent: Downtown Water Replacement-Rebid for City of Montgomery.

This release covers the final payment to the signer for all labor, services, equipment, or materials furnished to the property or to City of Montgomery.

Before any recipient of this document relies on this document, the recipient should verify evidence of payment to the signer.

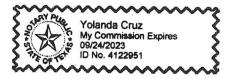
The signer warrants that the signer has already paid or will use the funds received from this final payment to promptly pay in full all of the signer's laborers, subcontractors, materialmen, and suppliers for all work, materials, equipment, or services provided for or to the above referenced project up to the date of this waiver and release.

Date 1/20/2022 Nerie Construction LLC (Company name) (Signature)

(Title)

STATE OF TEXAS § § COUNTY OF HARRIS §

Before me, the undersigned Notary Public in and for the State of Texas, on this day personally appeared <u>Before me, the undersigned Notary Public in and for the State of Texas, on this day personally appeared</u> <u>Before me, the undersigned Notary Public in and for the State of Texas, on this day personally appeared</u> <u>Before me, the undersigned Notary Public in and for the State of Texas, on this day personally appeared</u> <u>Before me, the undersigned Notary Public in and for the State of Texas, on this day personally appeared</u> <u>Before me, the undersigned Notary Public in and for the State of Texas, on this day personally appeared</u> <u>Before me, the undersigned Notary Public in and for the personal of the state of the personal perso</u>



anc Name Notary Public, State of Texas My commission expires: 4



Page 1 of 2

#### FINAL CERTIFICATE OF SUBSTANTIAL COMPLETION

Date: January 12, 2022 Owner: City of Montgomery City Council Contractor: Nerie Construction, LLC. Engineer: Jones | Carter Project: Construction of Downtown Waterline Replacement

#### This final Certificate of Substantial Completion applies to:

⊠All Work □ The following specified portions of the Work: N/A

The Work to which this Certificate applies has been reviewed by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Work or portion designated above is hereby established in the preliminary Certificate of Substantial Completion, which is attached hereto.

The date upon this final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

The following documents are attached to and made a part of this Certificate: preliminary Certificate of Substantial Completion with punch list.



Page 2 of 2

#### FINAL CERTIFICATE OF SUBSTANTIAL COMPLETION

Date: January 12, 2022

**Owner:** City of Montgomery City Council

Contractor: Nerie Construction, LLC.

Engineer: Jones | Carter

Project: Construction of Downtown Waterline Replacement

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents, is not a release of the Contractor's obligation to complete the Work in accordance with the Contract and does not warrant or imply a warranty of the Contractor's materials or workmanship.

EXECUTED BY ENGINEER:

By:

(Authorized signature)

<sub>Name:</sub> Donald Durgin

ACKNOWLEDGED:

By: \_\_\_ Owner (Authorized Signature)

Title:

Date:

Name:

**ACKNOWLEDGED** Bv (Authorized Signature) Contractor Name: Title: Date:

K:\W5841\W5841-0028-00 SH - 105 Waterline Replacement\3 Construction Phase\3. Contract Documents\W5841-0028-00 CSC final.docx

#### **CERTIFICATE OF ACCEPTANCE**

The Honorable Mayor and City Council City of Montgomery 101 Old Plantersville Road Montgomery, TX 77316

Re: Construction of Downtown Waterline Replacement City of Montgomery TIN No. 74-2063592

Dear Mayor and Council:

This is to certify that **CITY OF MONTGOMERY CITY COUNCIL** accepts the subject project on the basis of the Certificate of Substantial Completion issued by our engineers, Jones | Carter, and understands that a guarantee shall cover a period of one (1) year beginning December 16, 2021.

#### **CITY OF MONTGOMERY CITY COUNCIL**

Print Name: \_\_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

K:\W5841\W5841-0028-00 SH - 105 Waterline Replacement\3 Construction Phase\4. Construction Documents\W5841-0028-00 COA.docx CC: Nerie Construction, LLC

- Mr. Richard Tramm-City of Montgomery, City Administrator
- Ms. Susan Hensley-City of Montgomery, City Secretary
- Mr. Alan Petrov-Johnson Petrov, LLP, City Attorney
- Mr. Christopher Roznovsky, PE-Ward, Getz & Associates, LLP-City Engineer

DB-0156 Rev 04/19

# **Forms Section**

Monthly Davis-Bacon Wage Rate Certificate of Compliance Submittal by Owner (Subrecipient)

TWDB Project No. 62715

Loan No. <u>1000 605</u>

This executed certificate must be submitted with each Outlay report for labor included within construction contracts. This Certificate applies only for Financial Assistance CLOSED AFTER 10/30/2009.

I, <u>Jason Meric</u>, <u>General Manager</u> of <u>Neric Construction</u> hereby certify that periodic reviews of a <u>Name of entity</u> representative sample of the weekly payroll data, and contractor weekly payroll certifications, such as OMB No. 1235-0008, have been performed to verify that contractors and subcontractors are paying the appropriate wage rate for compliance with section 513 of the Federal Water Pollution Control Act (33 U.S.C. 1372) for the Clean Water State Revolving Fund or with section 1452(a)(5) of the Safe Drinking Water Act (42 U.S.C.300j-12(a)(5)) for the Drinking Water State Revolving Fund. These laws require payment of prevailing wages in accordance with 40 U.S.C. §§ 3141-3144, 3146, and 3147 (contained within the Davis-Bacon Act, as amended).

I understand that a false statement herein may subject me to penalties under federal and state laws relating to filing false statements and other relevant statutes.

9/m Signature

<u>/2-15-2</u>

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# Attachment 9: Monthly American Iron and Steel Certificate

## **Compliance Submittal by Owner (Sub-Recipient)**

TWDB Project No. <u>62715</u> Loan No. <u>1000605</u>

This executed certificate must be submitted with each Outlay report <u>requesting funds</u> <u>associated with construction contracts</u> for all iron and steel products and/or materials included within the project's construction contracts.

I, Jason Nerie, General Manager of (Name) (Title)

<u>Nerie Construction</u> hereby certify that all iron and steel products and/or materials incorporated into the construction, alteration, maintenance, or repair of the subject project are in full compliance with the American Iron and Steel requirements of Section 608 of the Federal Water Pollution Control Act (33 U.S.C. §1388) for the Clean Water State Revolving Fund or federal law, including federal appropriation acts and Section 1452(a)(4) of the Safe Drinking Water Act (42 U.S.C. §300j-12(a)(4)), as applicable, for the Drinking Water State Revolving Fund, or comply with waivers granted by the U.S. Environmental Protection Agency.

I understand that a false statement herein may subject me to penalties under federal and state laws relating to filing, false statements and other relevant statutes.

Men Signature

12-15-21 Date