



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,

A handwritten signature in blue ink that reads "Chris Roznovsky". The signature is fluid and cursive in style.

Chris Roznovsky, PE  
Engineer for the City

CVR/kv:zlg

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



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: <b>High</b>	Status: <b>Closed by Michael Carpenter on 11/16/2021</b>
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:

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

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

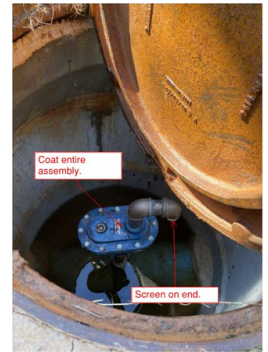
Description:





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

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



Description:

### #4: Confirm final stabilization and grass growth

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



Description:

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

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



Description:

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

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



Description:

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

Type: Location:  
Date Created: 10/20/2021 Due Date: 11/03/2021  
Priority: Status:

**High**

**Closed by Michael Carpenter  
on 10/29/2021**

Creator:  
**Michael Carpenter**

Reference:

Punch Item Manager:  
**Michael Carpenter**

Final Approver:  
**Michael Carpenter**

Ball in Court:

Assignee Name:  
**Gutierrez, Adrian (Nerie  
Construction)**  
*Resolved*

Description:



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

Type:

Location:

Date Created:  
**10/20/2021**

Due Date:  
**11/03/2021**

Priority:  
**Medium**

Status:  
**Closed by Michael Carpenter  
on 10/29/2021**

Creator:  
**Michael Carpenter**

Reference:

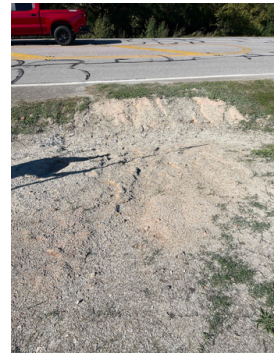
Punch Item Manager:  
**Michael Carpenter**

Final Approver:  
**Michael Carpenter**

Ball in Court:

Assignee Name:  
**Gutierrez, Adrian (Nerie  
Construction)**  
*Resolved*

Description:



### #9: Repair damage to Drapery shop on side of building

Type:

Location:

Date Created:  
**10/20/2021**

Due Date:  
**10/31/2021**

Priority:  
**High**

Status:  
**Closed by Michael Carpenter  
on 11/16/2021**

Creator:  
**Michael Carpenter**

Reference:

Punch Item Manager:  
**Michael Carpenter**

Final Approver:  
**Michael Carpenter**

Ball in Court:

Assignee Name:  
**Gutierrez, Adrian (Nerie**



**Construction)**  
*Resolved*

Description:

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

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



Description:

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

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



Description:

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

Type: Location:

Date Created:

**11/02/2021**

Due Date:

**11/09/2021**

Priority:

Status:

**Closed by Michael Carpenter  
on 11/18/2021**

Creator:

**Michael Carpenter**

Reference:

Punch Item Manager:

**Michael Carpenter**

Final Approver:

**Michael Carpenter**

Ball in Court:

Assignee Name:

**Gutierrez, Adrian (Nerie  
Construction)**

*Ready for Review*

Description:





1575 Sawdust Road, Suite 400  
The Woodlands, Texas 77380  
Tel: 281.363.4039  
Fax: 281.363.3459  
[www.jonescarter.com](http://www.jonescarter.com)

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,

A handwritten signature in blue ink, appearing to read 'D. Durgin'.

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

1. Contract Bid Price	\$	913,838.00
2. Change Orders	\$	18,595.30
3. Adjustment to Final Quantity	\$	(-40,699.00)
4. Total Contract Price	\$	891,734.30

B. 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 PAYMENT # 11 & Final

PROJECT: Construction of Downtown Waterline Replacement CONTRACT DATES

JOB NO. : W5841-0028-00 FROM 04-Jan-21 TO 13-Jun-21

CONTRACTOR: Nerie Construction, LLC REVISIED 04-Jan-21 02-Aug-21

THIS EST. 26-Oct-21 15-Dec-21

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	THIS ESTIMATE		PREVIOUS ESTIMATE		TOTAL TO DATE		REMARKS
					QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT	
7	8-inch resilient wedge gate valve (Mueller) including box (counter-clockwise open), concrete base block, riser, and 2'x2' concrete pad, complete in place.	EA	1.0	\$3,800.00	0.0	\$0.00	1.0	\$3,800.00	1.0	\$3,800.00	100.0%
8	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. 20	EA	1.0	\$3,300.00	0.0	\$0.00	1.0	\$3,300.00	1.0	\$3,300.00	100.0%
9	Connect proposed 12-inch waterline to existing 8-inch waterline, including removal of existing 2-inch blow-off and 8-inch plug, complete in place.	EA	2.0	\$4,000.00	0.0	\$0.00	2.0	\$8,000.00	2.0	\$8,000.00	100.0%
10	Connect proposed 12-inch waterline to existing 6-inch waterline, complete in place.	EA.	1.0	\$4,000.00	4.0	\$16,000.00	0.0	\$0.00	4.0	\$16,000.00	400.0%
11	Flushing valve, bury as shown, (including lead and gate valve), complete in place. Unit price must match Bid Item Nos. 19 and 26.	EA	5.0	\$4,000.00	0.0	\$0.00	5.0	\$20,000.00	5.0	\$20,000.00	100.0%
12	12-inch x 6-inch tapping sleeve and valve with Box, complete in place.	EA	1.0	\$5,500.00	0.0	\$0.00	1.0	\$5,500.00	1.0	\$5,500.00	100.0%
13	2-inch Air Release Valve, including precast concrete box, tapped into proposed 12-inch water main, as specified per City of Montgomery Standard Details, complete in place.	EA	1.0	\$15,000.00	0.0	\$0.00	1.0	\$15,000.00	1.0	\$15,000.00	100.0%
14	Reconnect existing water meters to new 12-inch waterline, as directed by engineer, complete in place. Unit price must match Bid Item Nos. 21 and 27.	EA	3.0	\$1,500.00	0.0	\$0.00	3.0	\$4,500.00	3.0	\$4,500.00	100.0%









OWNER: City of Montgomery PROGRESS PAYMENT # 11 & Final

PROJECT: Construction of Downtown Waterline Replacement CONTRACT DATES

JOB NO. : W5841-0028-00 FROM 04-Jan-21 TO 13-Jun-21

CONTRACTOR: Nerie Construction, LLC REVISIED 04-Jan-21 02-Aug-21

THIS EST. 26-Oct-21 15-Dec-21

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	THIS ESTIMATE		PREVIOUS ESTIMATE		TOTAL TO DATE		REMARKS
					QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT	
<b>ALTERNATE NO. 3 (GENERAL)</b>											
A16	12-inch Restrained Joint C-900 AWWA (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.	LF	3,372.0	\$55.00	0.0	\$0.00	3,173.0	\$174,515.00	3,173.0	\$174,515.00	94.1%





AFFIDAVIT OF BILLS PAID

STATE OF TEXAS §

§ KNOW ALL MEN BY THESE PRESENTS:

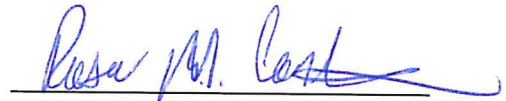
COUNTY OF HARRIS §

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.



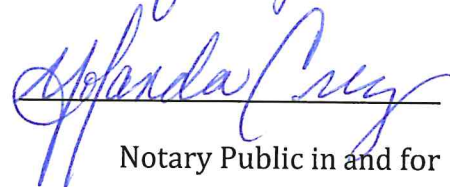
Signature

Rosa Contreras - Contract Admin.

Printed Name & Title

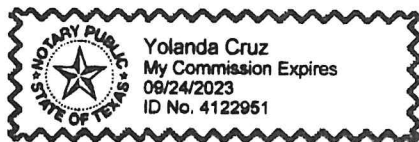
Subscribed and Sworn to, before me this, the 20 day of January, 2022.

My Commission Expires: 9/24/2023



Notary Public in and for

Harris County, Texas





**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.



**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)

Name: Donald Durgin

**ACKNOWLEDGED:**

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

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

Title: \_\_\_\_\_

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

**ACKNOWLEDGED:**

By:   
Contractor (Authorized Signature)

Name: Joseph Nerie

Title: President

Date: 1-24-2022

**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

## Forms Section

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

TWDB Project No. 62715

Loan No. 1000605

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, Jason Nerie, General Manager of  
(Name) (Title)  
Nerie Construction hereby certify that periodic reviews of a  
(Name of entity)

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.

Jason Nerie  
Signature

12-15-21  
Date

**Attachment 9: Monthly American Iron and Steel Certificate**

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

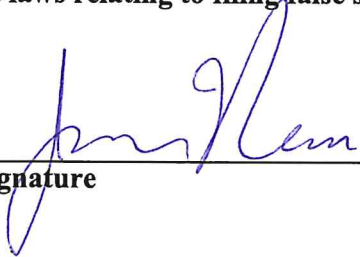
TWDB Project No. 62715

Loan No. 1000605

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

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

  
Signature

12-15-21  
Date