



# City of Grand Island

Tuesday, September 09, 2008

Council Session

## Item G12

**#2008-245 - Approving Certificate of Final Completion for Law Enforcement Center with Chief Construction**

Staff Contact: Steve Lamken

# Council Agenda Memo

**From:** Steven Lamken, Police Chief

**Meeting:** September 9, 2008

**Subject:** Law Enforcement Center Construction Project Certificate of Final Completion

**Item #'s:** G-12

**Presenter(s):** Steven Lamken, Police Chief

## Background

Substantial completion of the Law Enforcement Center was issued to Chief Construction in January of 2008. Since that time, construction on the project has been completed. Wilson Estes Architects are recommending making final payment to Chief Construction in the amount of \$25,107.27.

## Discussion

Construction of the Law Enforcement Center has been completed and the project architects, Wilson Estes Police Architects are recommending making final payment to Chief Construction. Chief Construction has provided a surety bond against any liens on the project as a condition of the final payment and certificate of final completion. A copy of the surety bond is attached.

The warranty on the facility became effective in January of 2008 when substantial completion was issued and the Center was occupied and placed into operation. Since that time there have been several minor problems that have been addressed under the warranty. Chief Construction and the subcontractors on the project have been responsive when such problems are presented to them and have addressed them in a timely manner.

The Center has one major warranty problem. There have been several persistent leaks in the building and moisture damage resulting from them. While the problem has not been completely resolved, Chief Construction has been responsive to this problem and several steps have been taken and continue to be taken to stop the leaks. Steps are currently being taken to start work to repair the damage from the leaks to restore the interior of the building. In addition to the completed work and pending work, Chief Construction has

provided an extended warranty due to water leaks on the shell of the building to extend to June of 2009. A copy of the warranty letter is attached.

Chief and the subcontractors will continue to perform warranty work on the project until such time as the warranty is expired or the reported problems are resolved. Final payment for \$25,107.27 should be made to pay for completion of the construction and issuing a certificate of final completion of the Law Enforcement Center.

### **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

### **Recommendation**

City Administration recommends that the Council approve the final payment of \$25,107.27 to Chief Construction for completion of construction of the Law Enforcement Center and issue a certificate of final completion for the construction project..

### **Sample Motion**

Move to approve final payment for completion of the construction of the Law Enforcement Center to Chief Construction of Grand Island in the amount of \$25, 107.27 and to issue a certificate of final completion for the project.

**CERTIFICATE OF FINAL COMPLETION AND ACCEPTANCE**

LAW ENFORCEMENT CENTER CONSTRUCTION

CITY OF GRAND ISLAND, NEBRASKA  
AUGUST 25, 2008

TO THE MEMBERS OF THE CITY COUNCIL  
GRAND ISLAND, NEBRASKA

This is to certify that the construction of the Law Enforcement Center at 111 Public Safety Drive has been completed by Chief Construction of Grand Island, NE under contract dated June 15, 2006. The work has been completed in accordance with the terms, conditions and stipulations of said contract and complies with the contract, the plans and specifications, except for ongoing repair work under warranty. The work is hereby accepted for the City of Grand Island, Nebraska by me as Police Chief in accordance with the provisions of the terms of the above said contract.

Law Enforcement Center Construction Project

Construction Contract		\$7,406,080.00
Unspent Contingency Funds	- \$	66,165.14
Late Penalties	- \$	<u>45,000.00</u>
Final Cost of Construction		\$7,294,914.86

Respectfully submitted

Steven Lamken  
Police Chief

-----  
TO THE MEMBERS OF THE CITY COUNCIL  
GRAND ISLAND, NEBRASKA

I hereby recommend that the Certificate of Final Completion and Acceptance be approved and warrants issued to Chief Construction in the final payment amount of \$25,107.27.

Respectfully submitted,

Margaret Hornady  
Mayor



**WILSON ESTES POLICE ARCHITECTS**

5799 BROADMOOR, SUITE 520  
MISSION, KANSAS 66202  
T 913 384 1115  
F 913 384 2292

August 19, 2008

Steve Lamken  
**GRAND ISLAND POLICE DEPARTMENT**  
111 Public Safety Drive  
Grand Island, Nebraska 68801


Re: **Grand Island / Hall County Law Enforcement Center**  
Contractors Application for Payment No.: Final Payment

Dear Steve,

We have reviewed the Contractor's Application for Payment dated 22 July, 2008. Based on our review and an understanding by all parties involved that the Grand Island Law Enforcement Center is complete, we recommend that the final payment to the Contractor in the amount of \$ 25,107.27.

If you have any questions or require any additional information, please contact me.

Regards,  
**WILSON ESTES POLICE ARCHITECTS**

  
Jeremy Levasseur



**GENERAL CONTRACTORS**  
A SUBSIDIARY OF CHIEF INDUSTRIES, INC.  
DESIGN/BUILD PROFESSIONALS

August 5, 2008

Steve Lamken, Chief of Police  
Grand Island Police Department  
111 Public Safety Drive  
Grand Island, NE 68801

RE: Extended Warranty

Mr. Lamken,

At our meeting last week (7/31/08) you requested an extended warranty (6/30/09) from Chief Construction Company for the building shell due to the water leaks. This extended warranty includes exterior window systems and weep vents in the masonry and cast stone that were the source of water infiltration that lead to the damage.

Chief Construction Company agrees to extend the warranty for the shell of the building covering exterior window systems and weep vents in the masonry and cast stone to June 30, 2009. This warranty extension includes the repair work for any damage that may occur as a direct result of the windows or masonry/cast stone weep vents until June 30, 2009 when the warranty extension expires.

Please feel free to contact us with any questions or concerns you may have.

Respectfully,

A handwritten signature in black ink that reads "DEAN SEARS". The signature is written in a cursive style with a large, looped initial "D".

Dean Sears  
General Manager  
Chief Construction Company

Cc: Corey Sibert, Jeremy Levasseur, file

2107 S. NORTH ROAD  
P.O. BOX 2078 (MAILING)  
GRAND ISLAND, NE 68802-2078  
PHONE: 308-389-7222  
FAX: 308-389-7393

INTERNET: <http://www.chiefconstruction.us>  
E-MAIL: [construction@chiefind.com](mailto:construction@chiefind.com)

4400 E. 39TH STREET  
P.O. BOX 848 (MAILING)  
KEARNEY, NE 68848  
PHONE: 308-238-2755  
FAX: 308-238-2759

**CONSENT OF  
SURETY COMPANY  
TO FINAL PAYMENT**

Conforms with the American Institute of  
Architects, AIA Document G707

OWNER   
ARCHITECT   
CONTRACTOR   
SURETY   
OTHER

Bond No 08811187

PROJECT:  
(name, address) Grand Island Hall County Law Enforcement Center

Grand Island NE

TO (Owner)

CITY OF GRAND ISLAND, NE  
101 E. First Street, City Hall  
Grand Island NE 68801

ARCHITECT'S PROJECT NO:  
CONTRACT FOR:  
Steel Frame and Masonry for New Construction of a 44,000 sq ft Law  
Enforcement Center in Grand Island, NE  
CONTRACT DATE: 6/15/2006

CONTRACTOR: CHIEF CONSTRUCTION COMPANY, A SUBSIDIARY OF CHIEF INDUSTRIES, INC.

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

FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
1400 American Lane  
Schaumburg IL 60196-1056

, SURETY COMPANY

on bond of (here insert name and address of Contractor)

CHIEF CONSTRUCTION COMPANY, A SUBSIDIARY OF CHIEF INDUSTRIES, INC.  
3942 Old W Highway 30  
Grand Island NE 68802

, CONTRACTOR,

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

CITY OF GRAND ISLAND, NE  
101 E. First Street, City Hall  
Grand Island NE 68801

, OWNER,

as set forth in the said Surety Company's bond.

IN WITNESS, WHEREOF,  
the Surety Company has hereunto set its hand this

11th day of August, 2008

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

Surety Company

Signature of Authorized Representative

Susan J. Preiksa  
Title

Attorney-in-Fact

Attest: Kathleen J. Mailles  
(Seal): *Kathleen J. Mailles*

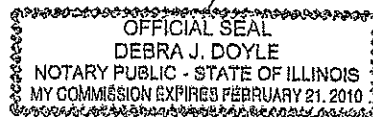
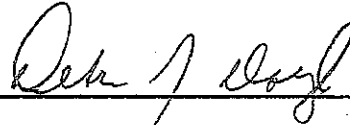
NOTE: This form is to be used as a companion document to AIA DOCUMENT G706, CONTRACTOR'S AFFIDAVIT OF PAYMENT OF DEBTS AND CLAIMS,  
Current Edition

NOTARIAL ACKNOWLEDGMENT

STATE OF ILLINOIS  
COUNTY OF COOK

On this 11<sup>th</sup> day of August, 2008, before me Debra J. Doyle a Notary Public of the State and County aforesaid, residing therein, duly commissioned and sworn, personally came Susan J. Preiksa, to me known, who being by me duly sworn according to law, did depose and say that she resides in Illinois: that she is an Attorney-in-Fact of Fidelity and Deposit Company of Maryland, the corporation described in and which executed the foregoing instrument: that she knows the seal of said corporation: that it was so affixed by order of The Board of Directors of said corporation and that she signed this name thereto by like order: that she executed and delivered such instrument on behalf of said corporation as its voluntary act and deed for the uses and purposes therein mentioned.

My Commission Expires:  
02/21/10





**Power of Attorney  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by WILLIAM J. MILLS, Vice President, and ERIC D. BARNES, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint Sandra MARTINEZ, Linda ISER, Kathleen J. MAILES, Karen DANIEL, Susan J. PREIKSA, Susan A. WELSH, Robert E. DUNCAN, Joellen M. MENDOZA, James A. CUTHBERTSON and Geoffrey E. HEEKIN, all of Chicago, Illinois, EACH its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: ~~any and all bonds and undertakings,~~ and the execution of such bonds or undertakings in pursuance of these presents shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Sandra MARTINEZ, Linda ISER, Kathleen J. MAILES, Karen DANIEL, Susan J. PREIKSA, Susan A. WELSH, Robert E. DUNCAN, Joellen M. MENDOZA, James A. CUTHBERTSON, Geoffrey E. HEEKIN, dated April 17, 2003.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 24th day of November, A.D. 2004.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



*Eric D. Barnes*

Eric D. Barnes

Assistant Secretary

By:

*William J. Mills*

William J. Mills

Vice President

State of Maryland }  
City of Baltimore } ss:

On this 24th day of November, A.D. 2004, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came WILLIAM J. MILLS, Vice President, and ERIC D. BARNES, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



*Dennis R. Hayden*

Dennis R. Hayden

Notary Public

My Commission Expires: February 1, 2009

EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto."

CERTIFICATE

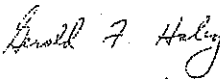
I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company,

this 11th day of August, 2008.

  
Assistant Secretary

R E S O L U T I O N 2008-245

WHEREAS, the Police Chief for the City of Grand Island has issued a Certificate of Final Completion for the Law Enforcement Center Construction, certifying that Chief Construction Co. of Grand Island, Nebraska, under contract, has completed the construction of the Law Enforcement Center at 111 Public Safety Drive; and

WHEREAS, the Police Chief recommends the acceptance of the project; and

WHEREAS, the Mayor concurs with the recommendation of the Police Chief; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Certificate of Final Completion for Construction of the Law Enforcement Center is hereby confirmed.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 9, 2008.

---

Margaret Hornady, Mayor

Attest:

---

RaNae Edwards, City Clerk