

TO: Chairman and Commissioner Stephen Vinezeano, Commissioner John Pietron, Commissioner Mark Fowler

COPY: Ralph Czerwinski, Kelly Zabinski, Kathy Thake, Terry Liston

FROM: Bill Balling, Superintendent MGNWC

SUBJECT: Payment to be Approved using Emergency Powers created due to the Impact of Coronavirus Disease, 2019 per MGNWC Ordinance 2020-10

DATE: April 8, 2020

Commissioners and Ralph,

As you aware the Governor has granted local units of Government additional purchasing authority which can be used during the Coronavirus Disease period. This memorandum requests your concurrence to pay a single Construction invoice from Berger Excavating Contractors, Inc. in the amount of \$108,791.59. This represents a progress payment for the completion of Contract #1 through Skokie and was received Friday February 27, 2020, the final day of using our construction office . Both Jared and I were engaged in final moving issues and missed this pay request which would have gone on your March Warrant. Jared has reviewed the pay request and has recommended to me that the invoice is ready to pay. While we could wait for your April meeting with this invoice, the Contractor did get this into us 12 days early for processing.

I will be using the pay option per MGNWC Ordinance 2020-01 and process as an Administrative matter consistent with Paragraph C. of Section 4 of this ordinance. This section allows me as Superintendent, to pay this invoice on four conditions:

1. Obtain the written concurrence of the Village Administrator of Morton Grove, and the Village of Niles to make the payment, AND
2. Post a copy of the Warrant listing this payment and send a copy to the Commissioners within 5 days following posting on the website , AND
3. If the Superintendent receives not more than one objection for the Commissioners to object to the payment , and the Administrator of Morton Grove and the Manager of Niles provides written concurrence, the Superintendent may pay the invoice, AND
4. The Superintendent will provide the Commissioners a report on the payment at our April meeting.

The contract 1 progress pay request is attached in the amount of \$ 108,791.59 to Berger Excavating. The notice of this pay request will be posted April 9 on our website. The payment will be mailed April 14 provided I receive written concurrence from our Member Managers before April 14 and provide we receive 0-1 objection from the Commissioners. Thank you.

April 8, 2020

WARRANT 2020-03a				
CAPITAL DEVELOPMENT FUND ACCOUNT				
ACCT	ORG			
3-73100	3-73101	Berger Excavating		\$ 108,791.59
		CAPITAL DEVELOPMENT FUND TOTAL		\$ 108,791.59
ANNUAL OPERATING FUND ACCOUNT				
ACCT	ORG			
		ANNUAL OPERATING FUND TOTAL		\$ -
TOTAL WARRANT 2020-03a				\$ 108,791.59

APPROVED: _____ DATE: _____



ENGINEERS' JOINT CONTRACT DOCUMENTS COMMITTEE

Contractor's Application for Payment No. 21

Application Period: 02/01/20 - 02/29/20	Application Date: 02/25/20
To: Merton Grove/Neiss Water Commission	From (Contractor): Berger Expanding Contractors, Inc
Project: MGNVVC Contract # 1	Contact: Thomas Engelenberg Group, LLC
Owner's Contract No.: 27793.01.00	Contract's Project No.: 1815
	Engineer's Project No.:

**Application For Payment
Change Order Summary**

Approved Change Orders	Additions	Deductions
1. ORIGINAL CONTRACT PRICE		\$ 15,280,636.65
2. Net Change by Change Orders		\$ 4,861,922.84
3. Current Contract Price (Line 1 + 2)		\$ 20,150,559.45
4. TOTAL COMPLETED AND STOPPED TO DATE (Column F total on Progress Schedule)		\$ 20,333,975.98
5. RETAINAGE:		\$ 50,000.00
a. <input checked="" type="checkbox"/> X	Work Completed	\$ 50,000.00
b. <input type="checkbox"/> X	Stored Materials	\$
c. Total Retainage (Line 5a + Line 5b)		\$ 50,000.00
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c)		\$ 20,283,975.98
7. LESS PREVIOUS PAYMENTS (Date 6 from prior Application)		\$ 20,179,284.39
8. AMOUNT DUE THIS APPLICATION		\$ 108,791.59
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G total on Progress Schedule + Line 5c above)		\$
NET CHANGE BY CHANGE ORDERS		
TOTALS		

Contractor's Certification
The undersigned Contractor certifies, to the best of his knowledge, the following:
(1) All previous progress payments received from Owner on account of Work done under this Contract have been applied on account to discharge Contractor's legitimate obligations assumed in accordance with the Work covered by prior Applications for Payment.
(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of Payment due and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interests, or encumbrances), and
(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor Signature: [Signature] Date: 02/25/20

Payment of: \$ _____ (Line 8 or other - attach explanation of the other amount)

is recommended by: _____ (Engineer) (Date)

Payment of: \$ _____ (Line 8 or other - attach explanation of the other amount)

is approved by: _____ (Owner) (Date)

Approved by: _____ (Pending or Financing Entity (if applicable)) (Date)

✓ 84: 98
2/25/20

AIA® Document G702™ - 1992

Application and Certificate for Payment

TO OWNER: Morton Grove Niles Water Commission PROJECT: MCHW/C Contract #1

FROM CONTRACTOR: Benger Excavating Contractors, Inc. VIA ARCHITECT: 1205 Garland Road, Wauconda, IL 60094

APPLICATION NO: 02/25/20 DISTRIBUTION TO:
 PERIOD TO: OWNER
 CONTRACT FOR: Morton Grove Niles Water Commission ARCHITECT
 CONTRACT DATE: CONTRACTOR
 PROJECT NOS: FIELD
 OTHER

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract AIA Document G703™, Continuation Sheet, is attached.

- 1. ORIGINAL CONTRACT SUM \$ 15,288,636.65
 - 2. NET CHANGE BY CHANGE ORDERS \$ 4,861,922.92
 - 3. CONTRACT SUM TO DATE (Line 1 ± 2) \$ 20,150,559.57
 - 4. TOTAL COMPLETED & STORED TO DATE (Column G on G703) \$ 20,338,075.98
 - 5. RETAINAGE:
 - a. 0% of Completed Work \$ 50,000.00
 - b. 0% of Stored Material \$ 0.00
- Total Retainage (Lines 5a + 5b, or Total in Column I of G703) \$ 50,000.00
- 6. TOTAL EARNED LESS RETAINAGE \$ 20,288,075.98
 - 7. LESS PREVIOUS CERTIFICATES FOR PAYMENT \$ 20,179,284.39
 - 8. CURRENT PAYMENT DUE \$ 108,791.59
 - 9. BALANCE TO FINISH, INCLUDING RETAINAGE \$

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$ 7,052,351.37	\$ -2,201,672.52
Total approved this month	\$ 11,234.07	\$ 0.00
TOTAL	\$ 7,063,585.44	\$ -2,201,672.52
NET CHANGES by Change Order	\$ 4,861,922.92	

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.

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The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: Benger Excavating Contractors, Inc.
 By: [Signature] OFFICIAL SEAL 02/25/2020
 SHANNON PAYSON
 NOTARY PUBLIC, STATE OF ILLINOIS
 LAKE COUNTY
 County of: Lake
 State of: IL
 Subscribed and sworn to before me on February 25, 2020
 me this 25 day of February
 MY COMMISSION EXPIRES 08/19/2023

Notary Public: Shannon Payson
 My commission expires: June 19, 2023

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$
 (Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT: Date:

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.