



**AGENDA  
FEBRUARY 2, 2021  
LAVON CITY COUNCIL  
7:00 PM  
REGULAR MEETING**

**TELEPHONIC MEETING**

**DIAL IN TO PARTICIPATE: (425) 436-6349  
or (844) 854-2222; enter **ACCESS CODE: 856485****

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**SUPPLEMENT TO PACKET**

**Posted before 6:00 p.m., 2-02-2021**

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**Agenda  
Item**

6 - H            City Engineer Recommendation for Acceptance

VICTOR L. ACUY, P.E.  
RICHARD A. DORMIER, P.E.  
JOHN D. GATTIS, A.I.A.  
MARK D. HILL, P.E.  
DAMIR LULO, P.E.  
MICHAEL K. STACEY, P.E.  
LARRY J. FREEMAN, P.E.

February 2, 2021

Ms. Kim Dobbs  
City of Lavon  
120 School Road  
Lavon, TX 75166

Re: Lake Shadow Drainage Improvements [CIP-13]  
Final Acceptance

Dear Ms. Dobbs:

The above referenced project has been completed and is available to be placed into service.

Attached are the Affidavit of Bills Paid, Surety Release and Final Pay Application.

**We recommend acceptance of the project.**

Please contact us if you may have any questions or comments regarding this recommendation.

If there are any questions, please contact me at 214-503-0555 x115 or by email at [mdhill@fmi-dallas.com](mailto:mdhill@fmi-dallas.com).

Sincerely,  
FREEMAN-MILLICAN, INC.



Mark D. Hill, P.E.  
Consulting City Engineer

Attachments

Cc: David Carter

F:\17024 - LAV General Servies\8 - Special Services\Lake Shadow Drainage\6 - Construction\Lake Shadow Drainage - Final Acceptance.docx

SECTION 00 65 19.13

AFFIDAVIT OF PAYMENT OF DEBTS AND CLAIMS

STATE OF TEXAS  
COUNTY OF Wise

AFFIDAVIT

THAT I, the undersigned, being duly sworn, say that I was the Contractor for the performance of certain work entered into the 6 day of November, 2020, between the City of Lavon, Texas and GRAD Construction for construction of Lake Shadow Drainage Improvements project.

KNOW ALL MEN BY THESE PRESENTS

1. The undersigned hereby certifies the improvements on the aforementioned project have been fully and satisfactorily completed in conformity with the contract.
2. The undersigned further certifies that there are no claims of laborers or mechanics for unpaid wages arising out of the performance of said contract and that the wage rates paid by Contractor and all Subcontractors were in conformity with the contract provisions relating to said wage rates.
3. The undersigned further certifies that there are no claims of subcontractors or materials suppliers for unpaid bills for labor or materials and supplies furnished in the course of the contract.

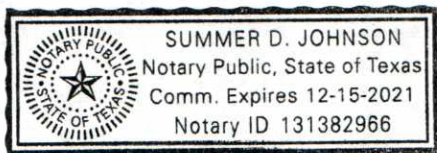
CERTIFIED TRUE AND CORRECT

Carlos Rangel  
Contractor

STATE OF TEXAS  
COUNTY OF Wise

BEFORE me, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Carlos Rangel, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 29 day of January, A.D., 2020.



Summer Johnson  
Notary Public in and for  
Wise County, Texas

My Commission Expires 12-15-2021

(SEAL)

**CONSENT OF SURETY COMPANY TO FINAL PAYMENT**

AIA DOCUMENT G707

- OWNER
- ARCHITECT
- CONTRACTOR
- SURETY
- OTHER

BOND # 1001153721

PROJECT: Bid#17024-13, Lake Shadow Drainage Improvements  
(name, address)

TO: (Owner)  
City of Lavon,  
120 School Road  
Lavon, TX 75166  
CONTRACTOR:

CONTRACT FOR: Installation of 18" HDPE Storm Sewer, Driveway removal and replacement, 24" RCP Culvert, traffic and erosion

CONTRACT DATE: 11/3/2020

GRod Construction, LLC

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)

U.S. Specialty Insurance Company  
13403 Northwest Freeway  
Houston, TX 77040

,SURETY COMPANY,

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

GRod Construction, LLC  
889 E. Rock Island Ave.  
Boyd, TX 76023

,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 Lavon  
120 School Road  
Lavon, TX 75166

,OWNER,

as set forth in the said Surety Company's bond

IN WITNESS WHEREOF,

The Surety Company has hereunto set its hand this 29th day of January, 2021.

U.S. Specialty Insurance Company

Surety Company

Signature of Authorized Representative

Jennifer Clark

Attorney-in-Fact

Title



Attest  
(seal): Elena Sells Witness



TOKIOMARINE  
HCC

**POWER OF ATTORNEY**  
**AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY**  
**UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY**

KNOW ALL MEN BY THESE PRESENTS: That American Contractors Indemnity Company, a California corporation, Texas Bonding Company, an assumed name of American Contractors Indemnity Company, United States Surety Company, a Maryland corporation and U.S. Specialty Insurance Company, a Texas corporation (collectively, the "Companies"), do by these presents make, constitute and appoint:

Steven W. Lewis, Kathy Sells, Lanny Land, Elena Sells or Jennifer Clark of Grapevine, Texas

its true and lawful Attorney(s)-in-fact, each in their separate capacity if more than one is named above, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver **any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include riders, amendments, and consents of surety, providing the bond penalty does not exceed** \*\*\*\*\*Ten Million\*\*\*\*\* Dollars (\*\*\*\$10,000,000.00\*\*\*). This Power of Attorney shall expire without further action on April 23<sup>rd</sup>, 2022. This Power of Attorney is granted under and by authority of the following resolutions adopted by the Boards of Directors of the Companies:

*Be it Resolved*, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

*Attorney-in-Fact* may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings, including any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts, and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.


*Be it Resolved*, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, The Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 1<sup>st</sup> day of June, 2018.

**AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY**  
**UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY**

State of California  
County of Los Angeles



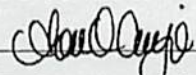
By:   
Daniel P. Aguilar, Vice President

*A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document*

On this 1<sup>st</sup> day of June, 2018, before me, Sonia O. Carrejo, a notary public, personally appeared Daniel P. Aguilar, Vice President of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (seal)




I, Kio Lo, Assistant Secretary of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Los Angeles, California this 29<sup>th</sup> day of January, 2021.

Corporate Seals  
Bond No. 1001153721  
Agency No. 18799



  
Kio Lo, Assistant Secretary

**Project:** Lake Shadow Drainage  
**Owner:** City of Lavon  
**General Contractor:** GRod Construction, LLC  
**Sub-Contractor:** \_\_\_\_\_  
**Engineer:** Mark D. Hill  
**Project #:** \_\_\_\_\_  
**Estimate #:** 2  
**From:** \_\_\_\_\_  
**To:** \_\_\_\_\_

**Summary of Payment Estimate Values From Attached Tabulations**

<b>Original Contract Amount:</b>	\$	47,788.00
<b>Approved Change Orders:</b>	\$	-
<b>Current Contract Amount:</b>	\$	47,788.00
<b>Value of Work Performed to Date:</b>	\$	42,788.00
<b>10% Retainage:</b>	\$	-
<b>Amount of Previous Payments:</b>	\$	38,509.20
<b>Balance Due This Estimate:</b>	\$	4,278.80
<b>Percentage of Contract Value Complete:</b>		90%

<b>Original Contract Time:</b>	180	CD
<b>Additional Time with Approved Change Orders:</b>	0	CD
<b>Current Contract Time:</b>	180	CD
<b>Contract Time Charged:</b>	0	CD
<b>Percentage of Contract Time Used:</b>	0%	

The undersigned Contractor certifies that all work, including materials on hand, covered by this Periodical Payment has been completed and delivered and stored in accordance with the Contract Documents, that all amounts have been paid by him for work, mat

Contractor Signature: **Carlos** Digitally signed by Carlos  
DN: cn=Carlos, o=GRod Construction LLC,  
ou=Rangel,  
email=carlos.rangel@gridconstruction.com, c=US  
Date: 2021.01.22 11:27:05 -0600 Date Signed: 1/22/2021  
 Printed Name: Carlos Rangel

Owner's Representative: \_\_\_\_\_ Date Signed: \_\_\_\_\_  
 Printed Name: \_\_\_\_\_

Invoice # 02  
 Invoice Date: 01/22/2021  
 Dates Submitted: Retainage

General Contractor  
 GRod Construction, LLC  
 889 E. Rock Island Avenue  
 Boyd, TX 76023  
 USA

Lake Shadow Drainage

Owner Code	Description	Contract Quantities	Unit	Unit Price	Contract Amount	Previous Quantities	Current Quantities	Quantities to Date	Current Amount	Amount to Date	% Complete
<b>BASE BID PROJECT</b>											
1	18" HDPE Storm Sewer	213.000	LF	96.00	\$ 20,448.00	213		213	\$ -	\$ 20,448.00	100%
2	24" RCP Culvert	20.000	LF	172.00	\$ 3,440.00	20		20	\$ -	\$ 3,440.00	100%
3	Connect to existing Pipe (HDPE/CMP)	1.000	LS	910.00	\$ 910.00	1		1	\$ -	\$ 910.00	100%
4	30" Area Drain	1.000	EA	3,400.00	\$ 3,400.00	1		1	\$ -	\$ 3,400.00	100%
5	Driveway Removal and Replacement	1.000	LS	1,810.00	\$ 1,810.00	1		1	\$ -	\$ 1,810.00	100%
6	Grouted Rip Rap	45.000	SY	210.00	\$ 9,450.00	45		45	\$ -	\$ 9,450.00	100%
7	Temporary Fencing	120.000	LF	10.00	\$ 1,200.00	120		120	\$ -	\$ 1,200.00	100%
7	Seed Disturbed Areas	213.000	LF	10.00	\$ 2,130.00	213		213	\$ -	\$ 2,130.00	100%
8	Contingency Allowance	1	LS	5,000.00	\$ 5,000.00			0	\$ -	\$ -	0%
<b>BASE BID SUBTOTAL</b>					\$ 47,788.00				\$ -	\$ 42,788.00	90%
<b>Totals:</b>					\$ 47,788.00				\$ -	\$ 42,788.00	90%

Original Contract Amount	\$ 47,788.00
Change Order Amount	\$ -
<b>Total Contract</b>	<b>\$ 47,788.00</b>
Work Completed to Date	\$ 42,788.00
Stored Material	\$ -
<b>Total Complete/Stored/Pending</b>	<b>\$ 42,788.00</b>
Less Retainage 10%	
<b>Total (Less Retainage)</b>	<b>\$ 42,788.00</b>
Adjustments	\$ -
<b>Less Previously Requested</b>	<b>\$ 38,509.20</b>
<b>Amount Due This Request</b>	<b>\$ 4,278.80</b>

Approved By: Carlos Rangel  
 Contractor

Approved By: \_\_\_\_\_  
 Owner

Approved By: Mark D. Hill, Jr.  
 Engineer