



March 5, 2025

Mr. Nicholas Dezelan, CHMM, ASP
City of Greenfield
10 South State Street
Greenfield, IN 46140

**RE: Greenfield Wastewater Treatment Plant Improvements
Partial Payment Application (PPA) No. 28**

Dear Mr. Dezelan:

The contractual substantial completion date through Change Order #9 was 1/3/24. Commonwealth Engineers recommended approval on four (4) additional days due to SBR Tank 3 leak testing weather days, resulting in a substantial completion date of 1/7/25. To date, the Contractor has not met the contractual requirements to merit substantial completion.

The provisions set forth under article 4.03.A.1 state Contractor shall pay Owner \$1,000.00 for each day that expires after substantial completion. The submitted payment application includes an application period from 1/25/25 through 2/21/25. There are twenty eight (28) days included in the application period beyond contractual substantial completion. Previous payment applications included seventeen (17) days beyond substantial completion, for a total of forty five (45) days. The Engineer recommends a total deduction of \$45,000.00 from the payment application in accordance with contractual liquidated damages. Previously, no damages have been enforced.

Attached, please find the Contractor's Application for Partial Payment for the Wastewater Treatment Plant Improvements project for work performed by F.A. Wilhelm Construction, Inc. (F.A. Wilhelm).

Commonwealth Engineers, Inc. (Commonwealth) has reviewed the Contractor's Application for Payment and finds it to be complete and accurate. Therefore, Commonwealth recommends payment to F.A. Wilhelm as follows:

- **F.A. Wilhelm Requested Amount PPA No. 28: \$102,491.00**
- **Amount Deducted, PPA No. 28: \$45,000.00**
- **Net Amount Due, PPA No. 28 \$57,492.00**

Through subsequent conversation on the liquidated damages matter with the City attorney and Wastewater Utility Manager, it has been decided to NOT deduct liquidated damages at this time due to the abundance or contractual retainage currently present. Rather, the Contractor is to be made aware of our records regarding substantial completion and corresponding penalty and the City's intent to assess damages accordingly pending future discussion or information to the contrary on this matter.

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On this basis, Commonwealth recommends payment as follows:

- **F.A. Wilhelm PPA No. 28:** **\$102,491.70**
- **Retainage, PPA No. 28:** **\$5,394.30**

This represents a total payment for Application No. 28 of **\$107,886.00**

For reference purposes, the current record of recommended payments (including this recommendation) is as follows:

Greenfield Wastewater Treatment Plant Improvements			
Partial Payment No.	Payment to Contractor	Retainage Withheld	Total
PPA 1 (11/2022)	\$3,709,750.00	\$195,250.00	\$3,905,000.00
PPA 2 (12/2022)	\$5,321,718.55	\$280,090.45	\$5,601,809.00
PPA 3 (01/2023)	\$3,978,126.19	\$209,375.06	\$4,187,501.25
PPA 4 (02/2023)	\$2,516,531.99	\$132,449.05	\$2,648,981.04
PPA 5 (03/2023)	\$3,639,125.29	\$191,532.91	\$3,830,658.20
PPA 6 (04/2023)	\$4,428,349.29	\$233,071.02	\$4,661,420.31
PPA 7 (05/2023)	\$3,489,143.30	\$183,639.12	\$3,672,782.42
PPA 8 (06/2023)	\$3,674,499.17	\$193,394.70	\$3,867,893.86
PPA 9 (07/2023)	\$3,023,454.85	\$159,129.20	\$3,182,584.05
PPA 10 (08/2023)	\$2,400,776.31	\$126,356.65	\$2,527,132.96
PPA 11 (09/2023)	\$2,451,440.41	\$129,023.18	\$2,580,463.59
PPA 12 (10/2023)	\$2,878,808.93	\$151,516.25	\$3,030,325.18
PPA 13 (11/2023)	\$3,253,739.51	\$171,249.45	\$3,424,988.96
PPA 14 (12/2023)	\$4,390,033.05	\$231,054.37	\$4,621,087.42
PPA 15 (01/2024)	\$2,923,870.19	\$153,887.90	\$3,077,758.09
PPA 16 (02/2024)	\$2,219,648.55	\$116,823.61	\$2,336,472.16
PPA 17 (03/2024)	\$1,912,016.07	\$100,632.42	\$2,012,648.49
PPA 18 (04/2024)	\$1,518,311.85	\$79,911.15	\$1,598,223.00
PPA 19 (05/2024)	\$1,456,207.97	\$76,642.53	\$1,532,850.50
PPA 20 (06/2024)	\$2,285,824.80	\$120,306.57	\$2,406,131.37
PPA 21 (07/2024)	\$1,530,878.41	\$80,572.55	\$1,611,450.96
PPA 22 (08/2024)	\$894,119.48	\$47,058.92	\$941,178.40
PPA 23 (09/2024)	\$968,535.39	\$50,975.54	\$1,019,510.93
PPA24 (10/2024)	\$748,294.82	\$39,383.94	\$787,678.76
PPA25 (11/2024)	\$390,365.90	\$20,545.57	\$410,911.47
PPA26 (12/2024)	\$420,442.08	\$22,128.53	\$442,570.61
PPA27 (01/2025)	\$251,389.00	\$13,231.00	\$264,620.00
PPA28(01/2025)	\$102,491.70	\$5,394.30	\$107,886.00
Total	\$66,777,893.05	\$3,514,625.95	\$70,292,519.00
Project completion for this Division of work based on monetary value:			98.03%

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If you have any questions, comments, or concerns, please do not hesitate to contact us.

Sincerely,

COMMONWEALTH ENGINEERS, INC.

A handwritten signature in black ink, appearing to read "Meghan Pintozzi". The signature is fluid and cursive, with a horizontal line extending from the end.

Meghan Pintozzi, E.I.

Enclosures: Partial Pay Application No. 28
CC: Lori Elmore, Clerk-Treasurer

Contractor's Application for Payment

Owner:	City of Greenfield	Owner's Project No.:	
Engineer:	Commonwealth Engineers, Inc.	Engineer's Project No.:	520046
Contractor:	F.A. Wilhelm Construction, Inc.	Contractor's Project No.:	10802
Project:	Greenfield Wastewater Treatment Plant Improvements Project		
Contract:	*		

Application No.: 28 Application Date: 2/21/2025
 Application Period: From 1/25/2025 to 2/21/2025

1. Original Contract Price	\$	70,035,000.00
2. Net change by Change Orders	\$	1,669,792.00
3. Current Contract Price (Line 1 + Line 2)	\$	71,704,792.00
4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$	70,292,519.00
5. Retainage		
a. 5% X \$ 53,997,200.67 Work Completed	\$	2,699,860.03
b. 5% X \$ 16,295,318.33 Stored Materials	\$	814,765.92
c. Total Retainage (Line 5.a + Line 5.b)	\$	3,514,625.95
6. Amount eligible to date (Line 4 - Line 5.c)	\$	66,777,893.05
7. Less previous payments (Line 6 from prior application)	\$	66,675,401.35
8. Amount due this application	\$	102,491.70
9. Balance to finish, including retainage (Line 3 - Line 4)	\$	1,412,273.00

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection 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 free 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 interest, or encumbrances); and (3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective. (4) all items and amounts on the face of this Contractor's Application for Payment are correct; (5) all Work has been performed and/or material supplied in full accordance with the requirements of the referenced Contract, and/or duly authorized deviations, substitutions, alterations, and/or additions; (6) the foregoing is a true and correct statement of the Contract account up to and including the last day of the period covered by this Periodic Estimate, (7) no part of the "Balance Due This Payment" has been received, and (8) the undersigned and his subcontractors have - (check applicable line):

- a. Complied with all labor provisions of said Contract.
- b. Complied with all labor provisions of said Contract except in those instances where an honest dispute exists with respect to said labor provisions (if (b) is checked, describe briefly nature of dispute on an attached sheet).

Contractor: F.A. Wilhelm Construction, Inc.
 Signature: [Signature] Date: 2/21/2025

Recommended by Engineer	Approved by Owner
By: <u>[Signature]</u>	By: <u>[Signature]</u>
Title: <u>E.I.</u>	Title: <u>Wastewater Utility Manager</u>
Date: <u>03/05/2025</u>	Date: <u>3/5/2025</u>

Approved by Funding Agency

By: _____ Title: _____ Date: _____