

AGENDA
SHAWNEE MUNICIPAL AUTHORITY
February 16, 2016 AT 6:30 P.M.
COMMISSION CHAMBERS AT CITY HALL
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM

All motions will be made in the affirmative. The fact that a commissioner makes or offers a second to a motion does not mean that the commissioner must vote in favor of passage.

1. Consider approval of Consent Agenda:
 - a. Minutes from the February 1, 2016 meeting.
 - b. Acceptance of Repair and Restoration of the River Bank Failure project, Contract No. SMA-14-03, improvements and place maintenance bonds into effect.
2. New Business

(Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)
3. Adjournment

Respectfully submitted

Phyllis Loftis, CMC, City Clerk

Shawnee Municipal Authority

1. a.

Meeting Date: 02/16/2016

SMA Minutes 02-01-2016

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Minutes from the February 1, 2016 meeting.

Fiscal Impact

Attachments

SMA Minutes 02-01-2016

THE TRUSTEES OF THE SHAWNEE MUNICIPAL AUTHORITY OF THE CITY OF SHAWNEE, COUNTY OF POTTAWATOMIE, STATE OF OKLAHOMA, MET IN REGULAR SCHEDULED SESSION IN THE COMMISSION CHAMBERS AT CITY HALL, 9TH AND BROADWAY, SHAWNEE, OKLAHOMA, MONDAY, FEBRUARY 1, 2016, DURING THE BOARD OF CITY COMMISSIONERS MEETING AT 6:30 P.M., PURSUANT TO NOTICE DULY POSTED AS PRESCRIBED BY LAW. UPON ROLL CALL, A QUORUM WAS DECLARED WITH THE FOLLOWING MEMBERS IN ATTENDANCE:

PRESENT: Agee, Harrod, Mainord, Shaw, Dykstra

ABSENT: Hall

Call to Order

Declaration of a Quorum

AGENDA ITEM NO. 1: Consider approval of Consent Agenda

a. Minutes from the January 19, 2016 meeting.

A motion was made by Trustee Shaw, seconded by Trustee Dykstra, to approve Consent Agenda item No. 1(a). Motion carried 5-0.

AYE: Shaw, Dykstra, Agee, Harrod, Mainord

NAY: None

AGENDA ITEM NO. 2: New Business (Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)

There was no New Business.

AGENDA ITEM NO. 3: Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (7:51 p.m.)

WES MAINORD
CHAIRMAN

ATTEST:

PHYLLIS LOFTIS, CMC, SECRETARY

Shawnee Municipal Authority

1. b.

Meeting Date: 02/16/2016

Accept River Bank Project

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Acceptance of Repair and Restoration of the River Bank Failure project, Contract No. SMA-14-03, improvements and place maintenance bonds into effect.

Fiscal Impact

Attachments

River Bank Project

Steve Nelms
Utility Director
405-273-1960

Lyndsay Pickens
Administrative Assistant
Phone: 405-273-1960
Fax: 405-878-1550

Mayor
WES MAINORD



111 S. Kickapoo, Shawnee, OK 74801

Brad Schmidt
Deputy Director
405-878-1513

Commissioners
Ward 1 Vacant
Linda Agee
James Harrod
Keith Hall
Lesa Shaw
Micheal Dykstra

MEMORANDUM

To: Justin Erickson, City Manager.
From: Steve Nelms, Utility Director S.N
CC: Mayor, and City Commission. Cindy Sementelli, Finance Director
Date: 02/16/2016
Re: Project SMA-14-03 Maintenance Bond

Nature of the Request: Staff is respectfully requesting that the City Commission accept the project as completed and accept the maintenance bond & rider for project SMA-14-03 Repair and Restoration of the River Bank at the Water Treatment Plant thus placing the maintenance bond it into effect.

Staff Analysis, Considerations: This project was completed to the Corps of Engineers specifications. Furthermore staff is pleased with the workmanship, cooperation, and dedication of the projects contractor CP3.

Recommendation: Staff respectfully recommends that the City Commission accept the project and place the maintenance bond into effect. If an issue arises final acceptance of the maintenance bonds will alleviate and offset the repair cost, 100% of the cost will be covered within the 1st year from the date the City Commission accepted the project (02/16/2016) and 10% of the total project cost will be covered over the next 4 years of the maintenance bond.

Budget Consideration:
Budgeted Amount: \$225,000
Actual Cost: \$222,976.90

MAINTENANCE BOND #SSB0425873

KNOW ALL MEN BY THESE PRESENTS: we, the undersigned
CP3 Enterprises, Inc. as Principal, and
RLI Insurance Company a corporation organized
under the laws of the State Illinois and authorized to transact business
in the State of Oklahoma, as Surety, are hereby held and firmly bound unto the
SHAWNEE MUNICIPAL AUTHORITY/CITY OF SHAWNEE, BENEFICIARY, SHAWNEE,
OKLAHOMA, as OWNER
in the penal sum of One Hundred and Fifty Four Thousand Six Hundred and Twenty-
Eight Dollars and Sixty Cents (\$154,628.60) for the payment of which,
well and truly to be made, we hereby jointly and severally bind ourselves,
successors and assigns, by these presents.

The condition of this obligation is such that:

WHEREAS, said Principal entered into a written CONTRACT with the SHAWNEE
MUNICIPAL AUTHORITY/CITY OF SHAWNEE, BENEFICIARY, SHAWNEE,
OKLAHOMA, dated March 3rd, 2014, for CONTRACT NO. SMA-14-03, REPAIR AND
RESTORATION OF THE RIVER BANK FAILURE.

all in compliance with the plans and specifications therefore, made a part of said CONTRACT
and on file in the office of the City Clerk, City of Shawnee, 16 W. 9th Street, P. O. Box 1448,
Shawnee, OK, 74802-1448.

NOW, THEREFORE, if said Principal shall pay or cause to be paid to the Shawnee Municipal
Authority/City of Shawnee, Beneficiary all damages, loss, and expense which may result by reason
of defective materials and/or workmanship in connection with said work, occurring within a period
of five (5) years ({one hundred (100%) percent for first year, then (10%) for each year
thereafter, of total contract price} for all projects for the construction of utilities) from and after
acceptance of said project by Shawnee Municipal Authority/City of Shawnee, Beneficiary; and if
Principal shall pay or cause to be paid all labor and materials, including the prime contractor and
all subcontractors; and if principal shall save and hold Shawnee Municipal Authority/City of
Shawnee, Beneficiary harmless from all damages, loss and expense occasioned by or resulting
from any failure whatsoever of said Principal, then this obligation shall be null and void, otherwise
to be and remain in full force and effect.

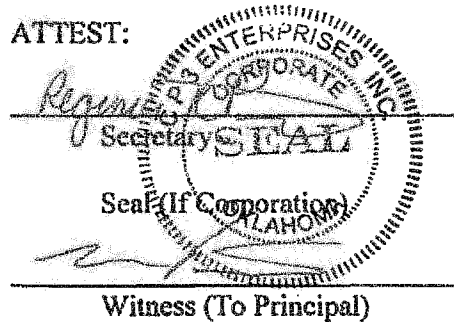
It is further expressly agreed and understood by the parties hereto that no changes or alterations in
said Contract and no deviations from the plan or mode of procedure herein fixed shall have the
effect of releasing the sureties, or any of them, from the obligations of this BOND.

IN WITNESS WHEREOF, the said Principal has caused these presents to be executed in his name
and its corporate seal to be hereunto affixed by its duly authorized officers, and the said Surety has
caused these presents to be executed in its name and its corporate seal to be hereunto affixed by

its attorney-in-fact, duly authorized so to do.

Signed, this 20th day of March, 2014.

ATTEST:


Regina
Secretary
Seal (If Corporation)
Witness (To Principal)

CP3 Enterprises, Inc.

Principal

13112 N.S. 3500, Maud OK 74854

Address

9025 Lindbergh Dr., Peoria, IL 61615

Address

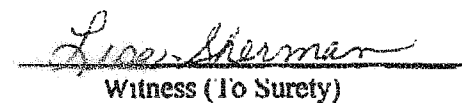
ATTEST:

See Attached power of Attorney
Secretary (Surety)

RLI Insurance Company

Surety

Seal


Witness (To Surety)


Attorney-in-fact

PO Box 890300, Oklahoma City, OK 73189

Address

PO Box 890300, Oklahoma City, OK 73189

Address

Lisa Sherman

Wendy Hollen

NOTE:

Date of BOND must not be prior to date of Contract. If
CONTRACTOR is Partnership, all partners should execute BOND.

IMPORTANT:

Surety companies executing BONDS must appear on the Treasury
Department's most current list (Circular 570 as amended) and be
authorized to transact business in the state where the PROJECT is
located.



RLI Insurance Company
P.O. Box 3967 Peoria IL 61612-3967
Phone: 309-692-1000 Fax: 309-692-8537

RIDER

TO BE ATTACHED TO AND FORM PART OF BOND/POLICY NO. SSB0425873

It is hereby mutually agreed and understood by the Principal,

CP3 Enterprises, Inc.

13112 N.S. 3500

Maud, OK 74854

and RLI Insurance Company that the

Shawnee Municipal Authority/City of Shawnee Beneficiary

111 S. Kickapoo

Shawnee, OK 74801

(Identify item(s) to be changed)

on this bond/policy has/have been changed to the following:

In conjunction with the amendment for SMA-14-03 the amount of Maintenance bond is hereby increased from

\$154,628.00 to the current contract Price of \$218,592.16

Nothing contained herein shall vary, alter, waive or extend any of the terms, limits, or conditions of the bond/policy, except as set forth above.

This Rider becomes effective on March 20, 2014, at twelve and one minute o'clock a.m., Standard Time.

Signed this 9th day of February, 2016.

RLI Insurance Company

By

Wendy Hollen
Wendy Hollen

Attorney in Fact



9025 N. Lindbergh Dr. | Peoria, IL 61615
Phone: (800)645-2402 | Fax: (309)689-2036

POWER OF ATTORNEY

RLI Insurance Company

Contractors Bonding and Insurance Company

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That this Power of Attorney may be effective and given to either or both of RLI Insurance Company and Contractors Bonding and Insurance Company, required for the applicable bond.

That RLI Insurance Company and/or Contractors Bonding and Insurance Company, each Illinois corporations (as applicable), each authorized and licensed to do business in all states and the District of Columbia do hereby make, constitute and appoint:

W.M. McNeill, Cody McNeill, Lisa Sherman, Wendy Hollen, Rocky Moore, John Rogers, Larry D. Bixler, Kyle D. Reser, John L. Birsner, Susanne Cusimano, jointly or severally

in the City of Oklahoma City State of Oklahoma as Attorney in Fact, with full power and authority hereby conferred upon him/her to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds, undertakings, and recognizances in an amount not to exceed Ten Million Dollars (\$10,000,000.00) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon this Company as if such bond had been executed and acknowledged by the regularly elected officers of this Company.

RLI Insurance Company and Contractors Bonding and Insurance Company, as applicable, have each further certified that the following is a true and exact copy of the Resolution adopted by the Board of Directors of each such corporation, and now in force, to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the Corporation shall be executed in the corporate name of the Corporation by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Corporation. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the Corporation. The signature of any such officer and the corporate seal may be printed by facsimile or other electronic image."

IN WITNESS WHEREOF, RLI Insurance Company and/or Contractors Bonding and Insurance Company, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 11th day of December, 2015.

State of Illinois }
County of Peoria } SS



RLI Insurance Company
Contractors Bonding and Insurance Company

Barton W. Davis

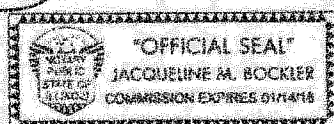
Barton W. Davis

Vice President

On this 11th day of December, 2015
before me, a Notary Public, personally appeared Barton W. Davis
who being by me duly sworn, acknowledged that he signed the above Power
of Attorney as the aforesaid officer of the RLI Insurance Company and/or
Contractors Bonding and Insurance Company, and acknowledged said
instrument to be the voluntary act and deed of said corporation.

Jacqueline M. Bockler

Notary Public



CERTIFICATE

I, the undersigned officer of RLI Insurance Company, and/or Contractors Bonding and Insurance Company, each Illinois corporations, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the RLI Insurance Company and/or Contractors Bonding and Insurance Company this 9th day of February, 2016.

RLI Insurance Company
Contractors Bonding and Insurance Company

Barton W. Davis

Barton W. Davis

Vice President