



September 23, 2025

Mayor Guy Titus
Board of Public Works and Safety
10 South State Street
Greenfield, IN 46140

Re: WWTP Improvements Project: Change Order #12 and Memorandum of Agreement

Mayor and Board Members,

Meetings between the City, contractor, and engineer occurred on 9/12/2025 and 9/15/2025 to discuss issues related to the completion of the WWTP Improvements Project. An agreement regarding stipulated damages and items of disagreement was reached and has been included in Change Order #12. The Memorandum of Agreement that was prepared by Commonwealth Engineers, Inc. and agreed to by FA Wilhelm has been included for your review. The terms of this agreement have been reviewed by the City Attorney. I have also discussed this agreement with the Mayor. This change order will adjust the substantial and final completion dates for the project and adjust the final contract price as follows:

Substantial Completion:	Additional 41 days (2/13/2025)
Final Completion:	Additional 200 days (10/31/2025)
Contract Price Adjustment:	Decrease by \$76,000.00
Original Contract Price:	\$70,035,000.00
Adjusted Contract Price:	\$71,803,058.00

At this time, I am requesting the Board's approval of Change Order #12 and the Memorandum of Agreement for the WWTP Improvements Project as presented. A copy of the change order and Memorandum has been included for your review. This will also be submitted to the IFA/SRF for their review and approval. Please let me know if there are any questions regarding this request or if any other information is needed at this time.

Best Regards,

A blue ink signature of Nicholas Dezelan, written in a cursive style.

Nicholas Dezelan, CHMM, ASP
Wastewater Utility Manager

Wastewater Utility
302 East Davis Road: Greenfield, Indiana 46140
wwtp@greenfieldin.org
Phone 317-477-4360 Fax 317-477-4361

CHANGE ORDER NO.: 12

Owner: City of Greenfield
Engineer: Commonwealth Engineers, Inc.
Contractor: F.A. Wilhelm Construction
Project: Wastewater Treatment Plant Improvements Project
Contract Name: Wastewater Treatment Plant Improvements Project
Date Issued: 09/17/2025
Owner's Project No.:
Engineer's Project No.: S20046
Contractor's Project No.:
Effective Date of Change Order: 09/17/2025

The Contract is modified as follows upon execution of this Change Order:

Description: See attached for a summary memorandum of agreement between Owner, Contractor, and Engineer, on changes in contract time and cost.

Attachments: Owner, Engineer, Contractor Meeting Minutes

Change in Contract Price	Change in Contract Times
Original Contract Price: \$ <u>70,035,000.00</u>	Original Contract Times: Calendar Days Substantial Completion: <u>730</u> Ready for final payment: <u>60</u>
[Increase] [Decrease] from previously approved Change Orders: \$ <u>1,844,058.00</u>	[Increase] [Decrease] from previously approved Change Orders: Substantial Completion: <u>100</u> Ready for final payment: <u>0</u>
Contract Price prior to this Change Order: \$ <u>71,879,058.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>830</u> Ready for final payment: <u>60</u>
[Increase] [Decrease] this Change Order: \$ <u>76,000.00</u>	[Increase] [Decrease] this Change Order: Substantial Completion: <u>41</u> Ready for final payment: <u>200</u>
Contract Price incorporating this Change Order: \$ <u>71,803,058.00</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>871 (2/13/2025)</u> Ready for final payment: <u>260 (10/31/2025)</u>

Recommended by Engineer (if required)
By: Meghan Putzgi
Title: P.E.
Date: 9/18/25

Authorized by Owner
By: _____
Title: _____
Date: _____

Accepted by Contractor
By: Matt S. Council
Title: Operations Manager
Date: 9/18/25

Approved by Funding Agency
(if applicable)
By: _____
Title: _____
Date: _____



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7256 Company Drive
Indianapolis, IN 46237

MEMORANDUM

PH: (317) 888-1177 FAX: (317) 887-8641

TO: Nicholas Dezelan, CHMM, ASP, Wastewater Utility Manager

FROM: Al Stong, P.E, Project Manager

DATE: September 18, 2025

SUBJECT: City of Greenfield – WWTP Improvements Project
Summary Minutes of Meeting between Wilhelm, City, and Commonwealth
RE: Certificate of Substantial Completion
Contractual Close-Out

This afternoon, discussion was held with the Contractor, City, and Engineer to identify a path to project completion and close-out. Items of disagreement entering into this meeting included:

1. Substantial Completion Date
2. Punch-List Items
- &
3. Change Order Work Items

Comparative positions of City, Engineer, and Contractor entering into this meeting are summarized in the below **Table 1**.

Table 1: Comparative Contractual Positions Summarized

Item	City/Engineer Position	Contractor Position
Substantial Completion Date	4-7-25	2-6-25
Final Completion	Unknown, Still Working	Contractor States Complete and requires inspection to confirm.
Change in Contract Price Work Items	\$0	\$160,402
Change in Contract Time	Indeterminant. The Engineer contends no impact to Contractors' substantial completion date. Engineer acknowledges Contractor performed additional work BUT said work was performed concurrent with contractual work and not impactful of overall completion dates. The additional work items Engineer acknowledges resulted in additional time for Contractor efforts include CE-199 Site Grading Changes, CE-154 Vac Truck Clean Out, CE-159&160 Modifications to Pump and Screen Controls.	Contractor states that Engineer identified impactful work along with CE 146 involving additional Fiber and CE 155 involving addition of door mullions are reasons to extend the contract time frame in a manner that eliminates all liquidated damages.
Punch-List Work Items	Several items of disagreement in which City/Engineer identify corrective actions required and Contractor states work is outside of Contractual Scope	

The Engineer/City position would result in:

- \$283,000 in liquidated damages from Contractor (less time attributable to impactful items denoted above at \$1000/day stipulated penalty credit against the \$283,000 liquidated damages).

The Contractor's position would result in:

- The city paying the contractor \$160,402 for additional work, the Contractor assuming \$34,000 in liquidated damages for delayed substantial completion of 34-days, and a resultant net payment to Contractor of \$126,402.

During the negotiated settlement, the City/Engineer qualified the conversation that City/Engineer would NOT bring a negotiated settlement proposal to City decision makers that resulted in any

increase in budgeted project costs due to Contractor's completion date. Discussions progressed with this understanding.

Resolution

Per the terms of the contract, when Engineer and Contractor disagree, issue is elevated to Owner to attempt to resolve. Engineer/Owner and Contractor met on 9-12-25 and again on 9-15-25 and have come to a negotiated resolution as follows:

1. Substantial Completion Date: February 13, 2025
2. Final Completion Date: October 31, 2025
3. Punch List Work Items: As presented in Certificate of Substantial Completion
4. Change Order Work Claims: The below table, work items, and costs will be incorporated in the change order

CE	Title	Amount
119	Site Regrading	\$26,711
124	Temporary Generator for Existing Plan	\$54,001
137	SBR Hydrants	\$62,628
140	SBR Pipe Gallery Louver 120V Power	\$4,156
141	Pump Station Exhaust Fan 8 VFD and Louver	\$5,548
142	Door 308, 309, 505 added hardware	\$2,167
145	Existing Garage Building N Replacement	\$5,191
	Total	\$160,402

5. Stipulated Damages: \$236,402 in stipulated damages
6. Impact on Contract Amount:
 - a. <236,402> Stipulated Damages
 - b. \$160,402 Change Order Additions
 - <76,000> Total Reduction in Contractor Contract Price
7. Engineering Amendment: \$76,000 - hourly as incurred for project close-out activities