



CITY OF PONTIAC
EMERGENCY MANAGER
47450 Woodward Avenue
Pontiac, Michigan 48342
(248) 758-3133
(248) 758-3292

Louis H. Schimmel
Emergency Financial Manager

Dated: May 13, 2013

ORDER NO. S-270

RE: Amended MDOT CONTRACT NO: 13-5268
(Adoption of Resolution – MDOT CONTRACT NO: 12-5506)

TO: Cathy Square, Director, DPW
John Balint, Deputy Director DPW/City Engineer
Sherikia Hawkins, City Clerk

The Local Financial Stability and Choice Act (Act 436 of 2012/MCL 141.15411, et. seq.) in Section 10 empowers an Emergency Manager to issue orders to the appropriate local elected and appointed officials and employees, agents, and contractors of the local government a Manager considers necessary to accomplish the purposes of the Act and any such orders are binding on the local elected and appointed officials and employees, agents, and contractors of the local government to whom they are issued.

Section 12(1) of the Act provides that “[a]n emergency manager may take 1 or more of the following additional actions with respect to a local government that is in receivership, notwithstanding any charter provision to the contrary: (dd) [e]xercise solely, for and on behalf of the local government, all other authority and responsibilities of the chief administrative officer and governing body concerning the adoption, amendment, and enforcement of ordinances....”

WHEREAS, in my capacity as the Emergency Financial Manager for the City of Pontiac, I, Louis H. Schimmel have determined that it is in the best interest of the municipality to approve and enter into the MDOT Contract No: 12-5506, Job Number: 116956; Concrete pavement repair work along Walton Boulevard from Baldwin Avenue to Joslyn Avenue; including concrete curb and gutter, concrete sidewalk, and sidewalk ramp work; and all together with necessary related work. Job Number: 117573; Temporary railroad warning device installation, staging, and removal work to accommodate traffic shifts during construction at the at-grade crossing of the tracks of the Canadian National Railway/Grand Trunk Western Railroad, hereinafter referenced as the “RAILROAD”, with Walton Boulevard (National Inventory #282-691-M); and all together with necessary related work.

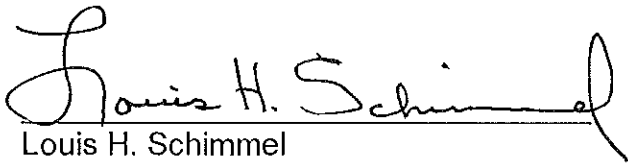
It is hereby ordered:

THE EMERGENCY FINANCIAL MANAGER FOR THE CITY OF PONTIAC, MICHIGAN DOES APPROVE said MDOT Contract No: 13-5268 on behalf of the municipality and will execute the Contract on behalf of the City.

The Order shall be effective immediately.

Copies of the documents referenced in this Order are to be maintained in the office of the City Clerk and may be reviewed and/or copies may be obtained upon submission of a written request consistent with the requirements of the Michigan Freedom of Information Act and subject to any exemptions contained in that state statute and subject to any exemptions allowed under that statute (Public Act 442 of 1976, MCL 15.231, et. seq.).

This Order is necessary in order to carry out the duties and responsibilities required of the Emergency Manager as set forth in the Local Government Fiscal Responsibility Act (Act 72 of 1990/MCL 141.1201, et seq.) and the contract between the Local Emergency Financial Assistance Loan Board and the Emergency Financial Manager.



Louis H. Schimmel
City of Pontiac
Emergency Manager

cc: State of Michigan Department of Treasury
Richard Baumgartner, Michigan Department of Transportation
Mayor Leon B. Jukowski
Pontiac City Council



STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

RICK SNYDER
GOVERNOR

KIRK T. STEUDLE
DIRECTOR

May 9, 2013

Ms. Sherika Hawkins, City Clerk
City of Pontiac
47450 Woodward Avenue
Pontiac, Michigan 48342

Dear Ms. Hawkins:

RE: MDOT Contract Number: 13-5268
Control Section: STU 63489
Job Number: 116956; 117573

Enclosed are the original and one copy of the above described contract between your organization and the Michigan Department of Transportation (MDOT). Please take time to read and understand this contract. If this contract meets with your approval, please complete the following checklist:

- _____ Do not date the contracts. MDOT will date the contracts when they are executed. A contract is not executed unless it has been signed by both parties.
- _____ Secure the necessary signatures on the enclosed contracts.
- _____ Include two (2) certified resolutions. The resolution should specifically name the officials who are authorized to sign the contract and include the contract number.
- _____ Return the original and copy of the contract to:

Attention: Kathy J. Fulton
MDOT – Development Services Division, 2nd Floor
425 West Ottawa Street, P.O. Box 30050
Lansing, MI 48909

In order to ensure that the work and payment for this project is not delayed, the contracts need to be returned within 35 days from the date of this letter. A copy of the executed contract will be forwarded to you.

If you have any questions, please feel free to contact me at fultonk@michigan.gov or (517) 373-4161.

Sincerely,

Kathy J. Fulton
Contract Monitoring/Reporting Technician
Development Services Division

Enclosure

AMENDMENT TO CONTRACT 12-5506

DA

Control Section STU 63489
Job Number 116956; 117573
Project STP 1263(059)(052)
Federal Item No. HH 8184; HH 8160
CFDA No. 20.205 (Highway
Research Planning &
Construction)
Contract No. 13-5268

THIS AMENDATORY CONTRACT is made and entered into this date of _____, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF PONTIAC, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in agreeing to this Amendment to CONTRACT #12-5506.

WITNESSETH:

WHEREAS; the parties to the Amendment have heretofore, by a Contract dated December 11, 2012, hereinafter referred to as "CONTRACT 12-5506" provided for the construction and financing of that which is hereinafter referred to as the "PROJECT" and is described as follows:

PART A - STU 63459; JOB #116956; STP 1263(059); HH 8184

Concrete pavement repair work along Walton Boulevard from Baldwin Avenue to Joslyn Avenue; including concrete curb and gutter, concrete sidewalk, and sidewalk ramp work; and all together with necessary related work.

PART B - STU 63459; JOB #117573; STP 1263(052); HH 8160

Temporary railroad warning device installation, staging, and removal work to accommodate traffic shifts during construction at the at-grade crossing of the tracks of the Canadian National Railway/Grand Trunk Western Railroad, hereinafter referenced as the "RAILROAD", with Walton Boulevard (National Inventory #282-691-M); and all together with necessary related work.

WHEREAS, the REQUESTING PARTY has requested that the PROJECT work of CONTRACT 12-5506 be revised to accommodate a change in the railroad force account work of the PART B portion of the PROJECT associated with the concrete pavement repair work described in PART A; and

WHEREAS, the DEPARTMENT and the REQUESTING PARTY having appropriate authority desire to amend CONTRACT 12-5506 to provide for approach pavement milling work instead of temporary railroad warning device installation, staging, and removal work for the PART B portion of the PROJECT with no increase in the estimated PART B portion of the PROJECT COST.

NOW, THEREFORE, it is hereby agreed by and between the parties hereto that:

1. The project description of CONTRACT 12-5506 is revised to read as follows:

PART A – STU 63459; JOB #116956; STP 1263(059); HH 8184

Concrete pavement repair work along Walton Boulevard from Baldwin Avenue to Joslyn Avenue; including concrete curb and gutter, concrete sidewalk, and sidewalk ramp work; and all together with necessary related work.

PART B – STU 63459; JOB #117573; STP 1263(052); HH 8160

Approach pavement milling work at the at-grade crossing of the tracks of the Canadian National Railway/Grand Trunk Western Railroad, hereinafter referenced as the "RAILROAD", with Walton Boulevard (National Inventory #282-691-M); and all together with necessary related work.

2. EXHIBIT I of CONTRACT 12-5506 is superseded by EXHIBIT I REVISED, dated May 9, 2013, attached hereto and made a part hereof. Any references to EXHIBIT I in CONTRACT 12-5506 shall be construed to mean EXHIBIT I REVISED.

3. Except as amended by the provisions herein, all of the provisions, covenants, and obligations of the parties contained in CONTRACT 12-5506 shall remain in full force and effect.

4. The REQUESTING PARTY waives any and all claims it has or may have against the DEPARTMENT which arise out of the need to amend CONTRACT 12-5506.

6. This Amendatory contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto; upon the adoption of the necessary resolution approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY, a certified copy of which resolution shall be attached to this contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

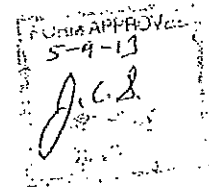
CITY OF PONTIAC

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By Louis H. Schimmel
Title: Emergency Manager

By _____
Department Director MDOT

By _____
Title: _____



APPROVED BY:
Roger H. Hoad
Administrator
Real Estate
Lois M. DeBoer

5-9-13
Date

May 9, 2013

EXHIBIT I REVISED

CONTROL SECTION STU 63459
JOB NUMBER 116956; 117573
PROJECT STP 1263(059)(052)

ESTIMATED COST

CONTRACTED WORK

	<u>PART A</u>	<u>PART B</u>	<u>TOTAL</u>
Estimated Cost	\$481,300	\$ 0	\$481,300

FORCE ACCOUNT WORK (By RAILROAD through DEPARTMENT)

Approach Pavement Milling Work	\$ 0	\$9,500	\$ 9,500
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GRAND TOTAL	\$481,300	\$9,500	\$490,800
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COST PARTICIPATION

GRAND TOTAL ESTIMATED COST	\$481,300	\$9,500	\$490,800
Less Federal Funds	<u>\$393,900</u>	<u>\$7,800</u>	<u>\$401,700</u>
BALANCE (REQUESTING PARTY'S SHARE)	\$ 87,400	\$1,700	\$ 89,100

NO DEPOSIT

