



## DEPARTMENT OF SOLID WASTE

SOLID WASTE ♦ RECYCLING ♦ SW CODE ENFORCEMENT ♦ FINANCE ♦ HOUSEHOLD HAZARDOUS WASTE

14450 LANDFILL RD ♦ BROOKSVILLE, FLORIDA 34614

P 352.754.4112 ♦ F 352.754.4118 ♦ W [www.HernandoCounty.us](http://www.HernandoCounty.us)

Date: January 17, 2024  
To: Carla Rossiter-Smith  
Purchasing and Contracts  
From: Scott Harper  
Solid Waste & Recycling  
Subject: BRW Retainage Request

Request for payment of final amount has been made by BRW for work that was completed on the cell 4 excavation. The contractor has completed the job per the terms of the contract. The final payment checklist has been completed and is attached. There are no outstanding issues or concerns with this vendor.

The Solid Waste department is requesting for this project to be closed out and final payment be made for 22-C00025/dk.

4461 2050157 retainage	\$323,180.59	
4421 2050157 retainage	\$26,194.41	Total \$ 349,375.00

- Final Pay Request 17
- P.O. 22000874
- Consent of Surety
- Final Payment Checklist
- Vendor Performance Evaluation
- Substantial Completion Letter

If additional information is required contact the department.

TO: **Hernando County BOCC**  
15470 Flight Path Dr.  
Brooksville, FL 34604

Project: **Landfill Cell 4 Dirt Excavation**

Subcontract# **22-C00025/DK**

APPLICATION NO: 17 (Retainage)  
PERIOD FROM: 11/1/23  
PERIOD TO: 11/30/23  
CONTRACT DATE: 5/24/22

FROM **BRW Contracting, Inc.**  
P.O. Box 1128  
Land O' Lakes, Florida 34639

CONTRACTORS APPLICATION FOR PAYMENT

	ADDITIONS	DEDUCTIONS
Totals	0.00	0.00

Net change by change orders: 0.00

The undersigned Contractor certifies that to the best of his knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract documents; that all accounts have been paid by him for Work for which previous Certificates of Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

Application is made for payment, as shown below, in connection with the Contract. The present status of the account for this Contract is as follows:

ORIGINAL CONTRACT SUM:	6,987,500.00
NET CHANGE BY CHANGE ORDERS:	0.00
CONTRACT SUM TO DATE:	6,987,500.00
TOTAL COMPLETED AND STORED TO DATE:	6,987,500.00
RETAINAGE @ 5%:	0.00
TOTAL EARNED LESS RETAINAGE:	6,987,500.00
LESS PREVIOUS CERTIFICATES FOR PAYMENT:	6,638,125.00
CURRENT PAYMENT DUE:	349,375.00

By: [Signature] Date: 12/4/23

Notary: [Signature] Date: 12/4/23

[Signature] 1/16/24  
Bahens

 HEATHER WHIPKEY  
Commission # HH 424832  
Expires August 25, 2027

[Signature] 1/17/2024



**CONSENT OF  
SURETY COMPANY  
TO FINAL PAYMENT**

OWNER   
ARCHITECT   
CONTRACTOR   
SURETY   
OTHER

AIA DOCUMENT G707-1994

Bond Number: SUR 0003680

PROJECT: Landfill Cell 4 Dirt Excavation

TO (Owner)  
Hernando County  
20 North Main Street,  
Brooksville, FL 34601

ARCHITECT'S PROJECT NO: 22-C00025/DK

CONTRACT FOR:  
Excavating of New 30-Acre Garbage Cell & Associated  
Storm Water Pond.

CONTRACTOR: B.R.W. Contracting, Inc.

CONTRACT DATE:

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the  
Frankenmuth Mutual Insurance Company  
1 Mutual Drive,  
Frankenmuth, MI 48787  
\_\_\_\_\_, SURETY COMPANY,

On bond of  
B.R.W. Contracting, Inc.  
2522 Hunt Road,  
Land O'Lakes, FL 34638  
\_\_\_\_\_, 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  
Hernando County  
20 North Main Street,  
Brooksville, FL 34601  
\_\_\_\_\_, OWNER,

as set forth in the said Surety Company's bond.

IN WITNESS WHEREOF,  
the Surety Company has hereunto set its hand this January 16, 2024

Frankenmuth Mutual Insurance Company  
Surety Company

Attest: Melanni Brown

By: [Signature]  
Signature of Authorized Representative  
David B. Shick, Attorney-in-Fact and  
Licensed FL Resident Agent #A241176  
\_\_\_\_\_  
Title



NOTE: This form is to be used as a companion document to AIA DOCUMENT G706, CONTRACTOR'S AFFIDAVIT OF PAYMENT OF DEBTS AND CLAIMS, Current Edition

FRANKENMUTH MUTUAL INSURANCE COMPANY

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that Frankenmuth Mutual Insurance Company (the "Company"), a corporation duly organized and existing under the laws of the State of Michigan, having its principal office at 1 Mutual Avenue, Frankenmuth, Michigan 48787, does hereby nominate, constitute and appoint:

David B. Shick

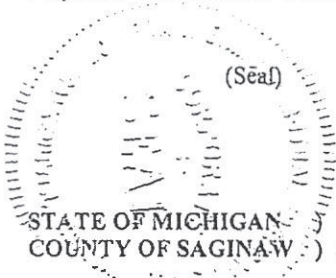
Their true and lawful attorney(s)-in-fact, each in their separate capacity if more than one is named above, to make, execute, seal, acknowledge and deliver any and all bonds, contracts and undertakings of suretyship, with the exception of Financial Guaranty Insurance, provided, however, that the penal sum of any one such instrument shall not exceed the sum of:

Fifty Million and 00/100 Dollars (\$50,000,000)

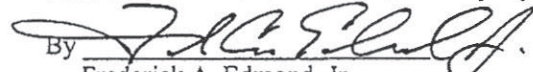
This Power of Attorney is granted pursuant to the following Resolution duly adopted at a meeting of the Board of Directors of Frankenmuth Mutual Insurance Company:

"RESOLVED, that the President, Senior Vice President or Vice President and each of them under their respective designations, hereby is authorized to execute powers of attorney, and such authority can be executed by use of facsimile signature, which may be attested or acknowledged by any officer of the Company, qualifying the attorney(s) named in the given power of attorney, to execute on behalf of, and acknowledge as the act and deed of Frankenmuth Mutual Insurance Company on all bonds, contracts and undertakings of suretyship, and to affix the corporate seal thereto."

IN WITNESS WHEREOF, the Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 10th day of September, 2018.



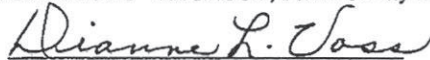
Frankenmuth Mutual Insurance Company

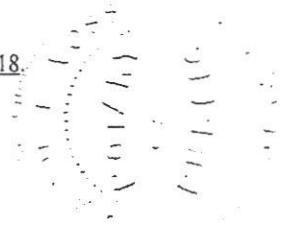
By   
Frederick A. Edmond, Jr.,  
President and Chief Operating Officer

STATE OF MICHIGAN )  
COUNTY OF SAGINAW ) ss:

Sworn to before me, a Notary Public in the State of Michigan, by Frederick A. Edmond, Jr., to me personally known to be the individual and officer described in, and who executed the preceding instrument, deposed and said the Corporate Seal and his signature as Officer were affixed and subscribed to said instrument by the authority of the Company.

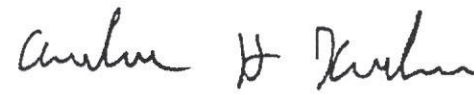
IN TESTIMONY WHEREOF, I have set my hand, and affixed my Official Seal this 10th day of September, 2018.

 (Seal)  
Dianne L. Voss, Notary Public  
Saginaw County, State of Michigan  
My Commission Expires July 23, 2024



I, the undersigned, Vice President of Frankenmuth Mutual Insurance Company, do hereby certify that the foregoing is a true, correct and complete copy of the original Power of Attorney; that said Power of Attorney has not been revoked or rescinded and is in full force and effect as of this date.

IN WITNESS WHEREOF, I have set my hand and affixed the Seal of the Company, this 16 day of January, 20 24.

  
Andrew H. Knudsen, Vice President



ALL CORRESPONDENCE RELATED TO BOND VALIDATION AND/OR A CLAIM SHOULD BE DIRECTED TO THE DIRECTOR OF SURETY, 701 US ROUTE ONE, SUITE 1, YARMOUTH, ME 04096

HERNANDO COUNTY CONSTRUCTION CONTRACT  
FINAL PAYMENT CHECKLIST

Bid No: \_\_\_\_\_ Project No: 22-C00025/DK Date: 12/5/2023

Contractor Name: BRW

The following items have been secured by the Solid Waste department for the project known as Landfill cell 4 dirt excavation

Contract No: 22-C00025/DK and have been reviewed and found to comply with the requirements of the Contract Documents.

Original Contract Price: 6,987,500.00 Final Contract Price (including all change orders): 6,987,500.00

Performance Bond Increase Required: Yes  No

Date of Notice to Proceed: 9/12/23 Amount of Liquidated Damages: 0

Substantial Completion Time:\* 365 Calendar Days

Substantial Completion Time (including Change Orders):\* 455 Calendar Days

Final Completion Time:\* 395 Calendar Days

Final Completion Time (including Change Orders):\* 485 Calendar Days

Actual Substantial Completion Time:\* 427 Calendar Days

Actual Final Completion Time (including Change Orders):\* 427 Calendar Days

Completed		
Yes	No	
<u>N/A</u>		1. All Punch List items completed _____ (Date).
<u>N/A</u>		2. Warranties and Guarantees assigned to County.
<u>N/A</u>		3. General one year warranty from Contractor _____ (Effective Date).
<u>N/A</u>		4. Operation and Maintenance manuals for equipment and system.
<u>X</u>		5. Record drawings obtained.
<u>N/A</u>		6. County personnel trained on system and equipment operation.
<u>N/A</u>		7. Certificate of Occupancy _____ or Compliance _____
<u>N/A</u>		8. Certificate of Substantial Completion* _____ (Date)
<u>N/A</u>		9. Department's Final Inspection Report* when Applicable. _____ (Date)
<u>X</u>		10. Final Payment Certification and Affidavit from Contractor.
<u>X</u>		11. Owner's Representative's Certificate of Final Inspection. <u>12/5</u> (Date)
<u>N/A</u>		12. DBE Participation Certification and justification letter from Contractor (If Applicable).

Completed		
Yes	No	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14. Release of Liens
<input checked="" type="checkbox"/>	<input type="checkbox"/>	15. Consent of Surety
<input checked="" type="checkbox"/>	<input type="checkbox"/>	16. As-Built Documents (Signed and Sealed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	17. Vendor Performance Form _____
<input type="checkbox"/>	<input type="checkbox"/>	18. Final Funding Agency Approval, if applicable
<input type="checkbox"/>	<input type="checkbox"/>	19. Others: Specify: _____

If any of the above are not applicable, indicate by N/A.

If No is checked to any of the above, explain here: \_\_\_\_\_

Comments: \_\_\_\_\_

Signed: Scott D. Wampler  
Department Director or Designee

Date: 12/5/2023

\* These Completion Times and/or Dates to be used, when appropriate, in administering the liquidated damages provision of the Contract Documents.

cc: Purchasing & Contracts

**HERNANDO COUNTY PURCHASING AND CONTRACTS  
VENDOR PERFORMANCE EVALUATION  
Construction Projects**

Vendor/Firm: <i>BRW</i>	County Dept.: <i>Solid Waste</i>	Contract # and Description: <i>22-C00025/DK</i>
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The Purchasing and Contracts Department would like your opinion of this Contractor. This evaluation will be kept on file in the Purchasing Department and referred to when recommending future A/E contracts.

Return completed form to: \_\_\_\_\_

This information will also be shared with the Contractor to inform them of commendable as well as deficient areas in their service.

Design Phase	Rating Scale:	Poor	Average	Excellent		
Knowledge and understanding of job scope		(1)	(2)	(3)	(4)	(5) <input checked="" type="radio"/>
Ability to comply with specifications		(1)	(2)	(3)	(4)	(5) <input checked="" type="radio"/>
Speed and efficiency of work		(1)	(2)	(3)	(4) <input checked="" type="radio"/>	(5)
Adequacy of manpower and crew mix		(1)	(2)	(3)	(4) <input checked="" type="radio"/>	(5)
Quality of workmanship <i>N/A</i>		(1)	(2)	(3)	(4)	(5)
Response to changes in scope, schedule, manpower		(1)	(2)	(3)	(4)	(5) <input checked="" type="radio"/>
Ability to suggest innovative methods <i>N/A</i>		(1)	(2)	(3)	(4)	(5)
Early identification of problems and timely resolution		(1)	(2)	(3)	(4) <input checked="" type="radio"/>	(5)
Submission of updated and revised progress schedules		(1)	(2)	(3)	(4)	(5) <input checked="" type="radio"/>
Quality of supervision		(1)	(2)	(3)	(4)	(5) <input checked="" type="radio"/>
Coordination and control of subcontractor(s) <i>N/A</i>		(1)	(2)	(3)	(4)	(5)
Enforcement of safety procedures		(1)	(2)	(3)	(4) <input checked="" type="radio"/>	(5)
Adherence to schedule		(1)	(2)	(3)	(4) <input checked="" type="radio"/>	(5)
Adequacy of materials <i>N/A</i>		(1)	(2)	(3)	(4)	(5)
Storage of materials		(1)	(2)	(3)	(4)	(5) <input checked="" type="radio"/>
Adequacy of housekeeping and site clean-up		(1)	(2)	(3)	(4) <input checked="" type="radio"/>	(5)



**HERNANDO COUNTY PURCHASING AND CONTRACTS  
VENDOR PERFORMANCE EVALUATION  
Construction Projects**

Construction Phase Cont.	Rating Scale:	Poor	Average	Excellent
Cooperativeness		①	②	③
Professional conduct		①	②	③

Specific suggestions for improvement:

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Would you recommend this contractor for another County project?     Yes     No, please explain

*For moving 2 million cubic yards of material in 14 months was excellent work, cooperation and professionalism demonstrated by all of BRW staff.*

Evaluated by:

*Scott Harper*                      12/5/2023  
Signature                                      Date

Reviewed by:

*Fran Hallett*                                      1/18/2024  
for Chief Procurement Officer                                      Date



January 2, 2024

Mr. Jim Pietracatella  
Project Manager  
B.R.W. Contracting, Inc. (BRW)  
P.O. Box 1128  
Land O' Lakes  
FL 34639

Subject: Substantial Completion  
Landfill Cell 4 Dirt Excavation, Northwest Waste Management Facility  
(Subcontract# 22-C00025/DK)  
Hernando County, Florida

Dear Mr. Pietracatella,

HDR Engineering Inc. (HDR) conducted a substantial completion walk-through of the above-referenced project on December 5, 2023 followed by a comparing the most recent topographic survey with the design grades and determined that the Cell 4 dirt excavation project is substantially complete. HDR recommends Hernando County Board of County Commissioners (BOCC) to release any retainages to BRW as stipulated in the Hernando County front end documents.

Please let us know if you need further clarifications on the above listed items.

Sincerely,  
HDR Engineering Inc.

Mark Roberts PE  
Project Manager

Cc: Scott Harper, Hernando County  
Kanishka Perera PE, Project Engineer, HDR



2522 Hunt Road, Land O Lakes FL 34639  
Office 813-996-5882 Fax 813-996-1129

December 7, 2023

Mr. Scott Harper  
Hernando County Landfill  
Solid Waste Services Manager  
14450 Landfill Rd.  
Brooksville, FL 34614

RE: Request for Retainage Release for County Project No. 22000874  
Hernando County Landfill Cell 4 Dirt Excavation

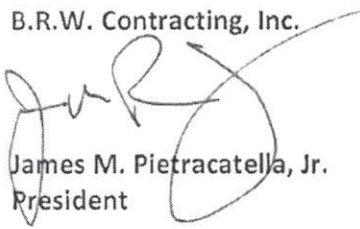
Dear Mr. Harper,

Based on our recent completion of all project requirements, we respectfully request that the County release our retainage in the amount of \$349,375.00.

Please let us know if you require any additional information to facilitate this request.

Sincerely,

B.R.W. Contracting, Inc.

  
James M. Pietracatella, Jr.  
President

**FINAL WAIVER AND RELEASE**

The undersigned Lienor, in consideration of the sum in the amount of \$ 9,855.96 hereby waives and releases any and all claims of any kind whatsoever, including equitable claims, breach of contract claims, bond claims, and its lien and right to claim a lien for labor, services, or materials furnished to B.R.W. Contracting, Inc. on the job of \_\_\_\_\_  
(Name of Customer)

Hernando County Board of County Commissioners  
(Owner of Property)

To the following property (job address):

Landfill Cell 4 Dirt Excavation

ITB NO. 22-C00025/DK

Brooksville, FL 34614

National Equipment Dealers, LLC.

Lienor Name

PO Box 1335

Address

Charlotte, NC 28201

City, State, Zip

Signature

Donald C. Baumgardner - Jan 12, 24

Print Name/Title

Date

State of Florida

County of Orange

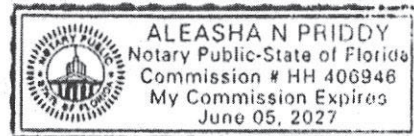
The foregoing instrument was acknowledged before me via  physical presence OR  online notarizations this 12<sup>th</sup> day of January, 2024. By Donald C. Baumgardner as General Manager for National Equipment Dealers.

Personally Known

Provided the following identification Physical Presence

Notary: Aleasha N Priddy  
My commission expires: June 5, 2027

Notary Seal:



Revised 9/11/2015