



City of Grand Island

Tuesday, February 09, 2010

Council Session

Item J3

Approving Payment of Claims for the Period of January 27, 2010 through February 9, 2010 for the State Fair Recreation Building

The Claims for the Period of January 27, 2010 through February 9, 2010 for the State Fair Recreational Building for the following requisitions:

#11 \$427,500.00

A MOTION is in order.

Staff Contact: Mary Lou Brown

Exhibit A to Escrow Agreement
(FORM OF PAYMENT REQUEST)

Payment Request No. 011

The City of Grand Island, Nebraska, as lessee (the "Lessee") under that Lease-Purchase Agreement dated as of July 1, 2009 (the "Lease") between Lessee and Wells Fargo Brokerage Services, LLC, (the "Lessor"), hereby requests Wells Fargo Bank, National Association, as escrow agent (the "Escrow Agent") under the Escrow Agreement dated as of July 1, 2009 (the "Escrow Agreement") among the Escrow Agent, the Lessor and the Lessee, to make payment from the Escrow Fund (as defined in the Escrow Agreement) to the following party or parties, at the addresses set forth below:

<i>Payee</i>	<i>Address</i>	<i>Amount To Be Paid</i>	<i>Cost of Issuance or Project Description</i>
Sampson Construction Co., Inc.	3730 So. 14 th Street Lincoln, NE 68502	\$427,500.00	Primarily metal building material, insulation and erection

In connection therewith, the undersigned officer of the Lessee hereby certifies as follows:

1. All of the provisions of the Lease and the Escrow Agreement are incorporated herein by reference and capitalized terms used herein and not defined shall have the meanings assigned to them in the Loan Agreement and the Escrow Agreement.
2. The payments to be made to the payees set forth above are for costs of construction and/or acquisition of the Project (as defined in the Escrow Agreement) described above, or reimbursement to Lessee therefor, and the payments have not been the basis for a prior request which has been paid. Any amounts to be reimbursed to the Lessee are for advances made by the Lessee from its own funds not earlier than May 1, 2009.
3. All of Lessee's representations, covenants and warranties contained in the Lease and the Certificate with Respect to Tax Matters (the "Tax Certificate") were true and accurate in all material respects as of the date made, and remain true and accurate in all material respects as of the date of this Payment Request, and the Lessee has fully and satisfactorily performed all of its covenants, representations and obligations to date required under the Lease, the Escrow Agreement and the Tax Certificate. No Default Event has occurred under the Lease.
4. The Lessee understands that the Lessor is relying on the certifications herein with regard to and in connection with approving the disbursement requested hereby.

5. Please indicate if this Payment Request relates to the final disbursement from the Escrow Fund: Yes X No.

If this Payment Request relates to the final disbursement from the Escrow Fund, the Lessee and the Lessor hereby instruct Escrow Agent to disburse to Lessor the remaining moneys held in the Escrow Fund to be applied to make a partial prepayment on the Rental Payments as set forth in the Lease.

6. Please indicate if this Payment Request reimburses Lessee for any payment or payments previously made by Lessee: Yes X No.

If this Payment Request requests such a reimbursement, the payment or payments for any obligations originally paid by Lessee, for federal income tax purposes, was after May 1, 2009.

7. Lessee attaches hereto the following items:

(a) invoices and/or bills of sale and/or contractor's payment certifications relating to the Project and, if such invoices have been paid by Lessee, evidence of payment thereof;

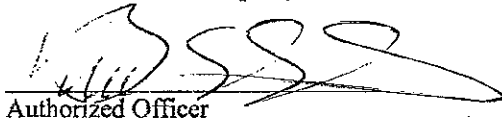
(b) an insurance certificate showing coverages as required by the Lease if such insurance certificate has not been previously provided by Lessee to the Lessor.

LESSEE:

THE CITY OF GRAND
ISLAND, NEBRASKA

By: Mary Jo Brown
Title: Finance Director
Date: 1/25/10

REQUEST APPROVED BY WELLS FARGO BANK, NATIONAL ASSOCIATION (Grand Island Branch, as assignee)


Authorized Officer

Attachments: 1. Invoices/Certificates for Payment
2. Insurance Certificate (if not previously provided)



ARCHITECTURE
ENGINEERING
INTERIOR DESIGN

Principals:

Jon P. Dalton, PE
Matthew C. Metcalf, AIA
Wade W. Stange, AIA
Michael A. Wachal, PE

Associate Principal:

Michael D. Marsh, AIA

Senior Associates:

J. Edward Bukacek, AIA
Ronald G. Hackett, AIA
Dan L. Hemsath
Bryce G. Johnson, MS PE
James K. Luedke, PE
Renee M. Sheil
Gregory T. Smith, AIA
Leroy P. Svatora, AIA

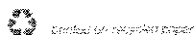
Lincoln:

211 North 14th Street
Lincoln, Nebraska 68508
Phone: (402) 476-9700
Fax: (402) 476-9722

Omaha:

4245 South 143rd Street
Suite 5
Omaha, Nebraska 68137
Phone: (402) 341-6600
Fax: (402) 341-6611

www.davisdesign.com



January 13, 2010

Nebraska State Fair Park
Attn: Joseph McDermott
P.O. Box 81223
Lincoln, NE 68501

**RE: State Fair Park – Fonner Park
Exhibition Building 3
Grand Island, Nebraska
Davis Design Project 08-0192**

Joseph,

Enclosed is Sampson Construction Co., Inc.'s. Application and Certification for Payment No.5 dated January 4, 2009.

Based upon our on-site observations, the work has progressed to the point indicated and to the best of our knowledge; the quality of the work is in accordance with the contract documents. Therefore, we recommend that payment be made to Sampson Construction Co., Inc. in the amount of \$427,500.00.

Please retain the "Owner" copy for your files and forward the "Contractor" copy together with your payment to Sampson Construction Co., Inc.

Please call me at our Lincoln office if you have any questions or concerns regarding this application for payment.

Sincerely,

DAVIS DESIGN

**Chad Vogel
Construction Administrator**

Enclosure

cc: Chad Vogel, Construction Administrator Files - Davis Design, Inc.
Leroy Savarta, Project Architect - Davis Design, Inc.
Nate Kastens, Project Manager – Sampson Construction Co., Inc.
Craig Gies, Executive Team – Sampson Construction Co., Inc.
Jon Thomas – Village Development

APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702

PAGE ONE OF

PAGES

TO OWNER: Nebraska State Fair Board
P.O. Box 81223
Lincoln, NE 68501

PROJECT: Nebraska State Fair Park
Fonner Park - Grand Island, Nebraska
Exhibition Building 3
VIA: Chad Vogel

APPLICATION NO. 5

PERIOD TO: 12/31/2009

Distribution to:

☐ OWNER
☐ ARCHITECT
☐ CONTRACTOR

FROM CONTRACTOR:

Sampson Construction Co., Inc.
3730 So. 14th St.
Lincoln, NE 68502

PROJECT NOS: 09028

CONTRACT FOR: General

CONTRACT DATE: 7/10/09

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

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

1. ORIGINAL CONTRACT SUM \$ 3,972,000.00
2. Net change by Change Orders \$ 342,893.00
3. CONTRACT SUM TO DATE (Line 1 + 2) \$ 4,314,893.00
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703) \$ 2,025,000.00

5. RETAINAGE:

- a. 10 % of Completed Work (Column D - E on G703) 202,500.00
- b. 10 % of Stored Material (Column F on G703) \$

Total Retainage (Lines 5a + 5b or

Total in Column I of G703)

6. TOTAL EARNED LESS RETAINAGE

(Line 4 Less Line 5 Total)

7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)

8. CURRENT PAYMENT DUE

9. BALANCE TO FINISH INCLUDING RETAINAGE

(Line 3 less Line 6)

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$ 427,500.00

Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.

ARCHITECT: Davis Design, Inc.

By: *[Signature]*

Date:

01-13-10

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CONTINUATION SHEET

AIA DOCUMENT G703

PAGE OF PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing

Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 5

APPLICATION DATE: 1/4/2010

PERIOD TO: 12/31/2009

ARCHITECT'S PROJECT NO: 09028

NEBRASKA STATE FAIR PARK, FONNER PARK, GRAND ISLAND, NEBRASKA

NEBRASKA STATE FAIR PARK, FONNER PARK, GRAND ISLAND, NEBRASKA									
A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E MATERIALS PRESENTLY STORED (NOT IN D OR E)	F TOTAL COMPLETED AND STORED TO DATE (D + E - F)	G % (G ÷ C)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
EXHIBITION BUILDING #3									
1	FOUNDATIONS	220,000	200,000	20,000		220,000	100%		22,000
2	SLABS	245,000		5,000		5,000	2%	240,000	500
3	PRECAST	60,000		40,000		40,000	67%	20,000	4,000
4	MASONRY	380,000	210,000	40,000		250,000	66%	130,000	25,000
5	STEEL	75,000		10,000		10,000	13%	65,000	1,000
6	CARPENTRY	45,000						45,000	0
7	SEALANTS	15,000						15,000	0
8	JOINT DOORS/HARDWARE	125,000						125,000	0
9	ALUMINUM & GLASS	140,000						140,000	0
10	OVERHEAD DOORS	15,000						15,000	0
11	METAL STUDS/DRYWALL	65,000						65,000	0
12	ACT	18,000						18,000	0
13	PAINTING	52,000						52,000	0
14	FLOOR SEALER	24,000						24,000	0
15	SPECIALTIES	34,000						34,000	0
16	METAL BUILDING-MATERIAL	610,000	580,000	30,000		610,000	100%		61,000
17	METAL BUILDING-INSULATION	85,000	30,000	40,000		70,000	82%	15,000	7,000
18	METAL BUILDING-ERECTOR	340,000	120,000	120,000		240,000	71%	100,000	24,000
19	FIRE SPRINKLER	130,000						130,000	0
20	HVAC	200,000	100,000	20,000		100,000	34%	100,000	10,000
21	PIPING	300,000	185,000	30,000		205,000	68%	95,000	20,500
22	ELECTRICAL	399,000	70,000	30,000		100,000	25%	299,000	10,000
23	PAYMENT & PERFORMANCE BOND	25,000	25,000			25,000	100%		2,500
24	GENERAL CONDITIONS	280,000	30,000	30,000		60,000	21%	220,000	6,000
25	CHANGE ORDER #1	342,893		90,000		90,000	26%	252,893	9,000
GRAND TOTALS		4,314,893	1,550,000	475,000	0	2,025,000	47%	2,289,893	202,500