



# City of Grand Island

Tuesday, February 23, 2010

Council Session

## Item J3

**Approving Payment of Claims for the Period of February 10, 2010 through February 23, 2010 for the State Fair Recreation Building**

*The Claims for the Period of February 10, 2010 through February 23, 2010 for the State Fair Recreational Building for the following requisitions:*

#12     \$234,000.00

*A MOTION is in order.*

Staff Contact: Mary Lou Brown

**Exhibit A to Escrow Agreement**

**(FORM OF PAYMENT REQUEST)**

Payment Request No. 012

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 <sup>th</sup> Street Lincoln, NE 68502	\$234,000.00	Building erection, masonry and general

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.

no. 12

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;

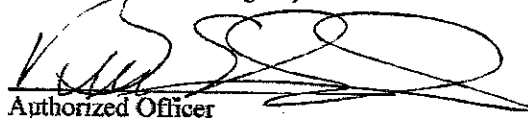
(b) an insurance certificate showing coverages as required by the Lease if such insurance certificate has not been previously provided by Lessee to the Lessor.

LESSEE:

THE CITY OF GRAND  
ISLAND, NEBRASKA

By: Mary Jo Brown  
Title: Finance Director  
Date: 2/15/10

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

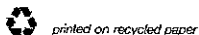
Lincoln:

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



February 5, 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.6 dated January 28, 2010.

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 \$234,000.00.

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

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

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

APPLICATION NO 6

PERIOD TO: 1/31/2010

PROJECT NOS: 09028

CONTRACT DATE: 7/10/09

Distribution to:

☐ OWNER

☐ ARCHITECT

☐ CONTRACTOR

## 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.

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) \$ 2,285,000.00

5. RETAINAGE:

a. 10 % of Completed Work (Column D + E on G703) 228,500.00

b. 10 % of Stored Material (Column F on G703) \$

Total Retainage (Lines 5a + 5b or Total in Column I of G703) 228,500.00

6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total) \$ 2,056,500.00

7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate) \$ 1,822,500.00

8. CURRENT PAYMENT DUE \$ 234,000.00

9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6) \$ 2,258,393.00

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$342,893.00	
Total approved this Month		
TOTALS	\$342,893.00	\$0.00
NET CHANGES by Change Order	\$342,893.00	

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.

CONTRACTOR: Sampson Construction Co., Inc.

By: [Signature] Date: 1-28-10

State of: Nebraska County of: Lancaster

Subscribed and sworn to before me this 28th day of January

Notary Public: Julie A. Scheele

My Commission expires 5-14-2012

2010 GENERAL NOTARY - State of Nebraska  
JULIE A. SCHEELE  
My Comm. Exp. May 14, 2012

## 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 ..... \$ 234,000.00

(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: 02-05-10

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

6

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:

APPLICATION DATE: 1/28/2010

PERIOD TO: 1/31/2010

ARCHITECT'S PROJECT NO: 09028

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

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE		D WORK COMPLETED FROM PREVIOUS APPLICATION (D + E)		E THIS PERIOD		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
EXHIBITION BUILDING #3											
1	FOUNDATIONS	220,000		220,000					220,000	100%	22,000
2	SLABS	245,000		5,000					5,000	2%	500
3	PRECAST	60,000		40,000		20,000			60,000	100%	6,000
4	MASONRY	380,000		250,000		40,000			290,000	76%	29,000
5	STEEL	75,000		10,000		35,000			45,000	60%	4,500
6	CARPENTRY	45,000									0
7	SEALANTS	15,000									0
8	HM/DOORS/HARDWARE	125,000									0
9	ALUMINUM & GLASS	140,000									0
10	OVERHEAD DOORS	15,000									0
11	METAL STUDS/DRYWALL	65,000									0
12	ACT	18,000									0
13	PAINTING	52,000									0
14	FLOOR SEALER	24,000									0
15	SPECIALTIES	34,000									0
16	METAL BUILDING-MATERIAL	610,000		610,000					610,000	100%	61,000
17	METAL BUILDING-INSULATION	85,000		70,000		15,000			85,000	100%	8,500
18	METAL BUILDING-ERECTION	340,000		240,000		50,000			290,000	85%	29,000
19	FIRE SPRINKLER	130,000				10,000			10,000	8%	1,000
20	HVAC	290,000		100,000					100,000	34%	10,000
21	PIPING	300,000		205,000		20,000			205,000	68%	20,500
22	ELECTRICAL	399,000		100,000					130,000	30%	12,000
23	PAYMENT & PERFORMANCE BOND	25,000		25,000					25,000	100%	2,500
24	GENERAL CONDITIONS	280,000		60,000		40,000			100,000	36%	10,000
25	CHANGE ORDER #1	342,893		90,000		30,000			120,000	35%	12,000
GRAND TOTALS		4,314,893		2,025,000		260,000		0	2,285,000	53%	228,500