

USTACH MODERNIZATION/ ROOF PROJECT

Contract Name	Date	Object	Amount	Changes	Current	Exp & Ret	Balance
BEST Contracting Services	5/8/2018	5813	\$204,000.00	\$4,021.00	\$208,021.00	\$208,021.00	\$0.00
Boyer **	9/5/2019	6270	\$10,523,287.00	(\$542,426.27)	\$9,980,860.73	\$2,790,732.19	\$7,190,128.54
CDW G	10/21/2019	6401	\$44,901.46	\$0.00	\$44,901.46	\$44,368.99	\$532.47
Department of Conservation	7/24/2019	6280	\$3,600.00	\$0.00	\$3,600.00	\$3,600.00	\$0.00
DSA	2/14/2019	6220	\$76,750.00	\$0.00	\$76,750.00	\$76,750.00	\$0.00
Meredith Holloway	4/25/2018	6290	\$123,850.00	\$0.00	\$123,850.00	\$23,790.00	\$100,060.00
One Diversified	10/4/2019	6401	\$13,546.77	\$0.00	\$13,546.77	\$0.00	\$13,546.77
JPB Designs	7/1/2018	5813	\$93,000.00	\$5,511.00	\$98,511.00	\$98,511.00	\$0.00
Krazan & Associates	2/26/2019	6280	\$31,878.00	\$0.00	\$31,878.00	\$11,510.00	\$20,368.00
Pro Tech	5/23/2018	6270	\$14,105.00	\$0.00	\$14,105.00	\$14,105.00	\$0.00
SKW	9/24/2018	6210	\$638,000.00	\$0.00	\$638,000.00	\$439,840.00	\$198,160.00
SKW-Other	9/24/2018	6210	\$6,635.83	\$0.00	\$6,635.83	\$6,635.83	\$0.00
Stanislaus County	5/6/2019	6245	\$57.00	\$0.00	\$57.00	\$57.00	\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
TOTAL			\$11,773,611.06	(\$532,894.27)	\$11,240,716.79	\$3,717,921.01	\$7,522,795.78

** Boyer changer order #1 (\$683,147) & #2 \$157,540

TO: Sylvan Union School District
605 Sylvan Avenue
Modesto, CA 95350
FROM: Robert E. Boyer Construction, Inc.
19608 E. Mono Way
Sonora, CA 95370

PROJECT: Ustach Middle School Modernization (LLB)

APPLICATION NO: 5

Distribution to:

DISTRICT

ARCHITECT

PERIOD TO: 1/5/2019

PROJECT NO.:

CONTRACT DATE: 8/28/2019

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APPLICATION FOR PAYMENT SUMMARY

Application is made for Payment, as shown below, in connection with the Contract. Continuation Sheet is attached.

1. ORIGINAL CONTRACT SUM
2. NET CHANGE BY CHANGE ORDERS
3. CONTRACT SUM TO DATE (Line 1+/-2)
4. TOTAL COMPLETED & STORED TO DATE

\$ 10,523,287.00
\$ (542,426.27)
\$ 9,980,860.73
\$ 2,790,732.19

5. RETAINAGE:

a. N/A

CONTRACTOR:

By: Robert Boyer

Date: 12/02/2019

State of:

County of:

Subscribed and sworn to before me this ____ day of ____ 20__

Notary Public: _____

My Commission expires: _____

6. TOTAL EARNED LESS RETAINAGE

(Line 4 less Line 5 Total)

\$ 2,790,732.19

7. LESS PREVIOUS CERTIFICATES FOR

PAYMENT (Line 6 from prior Certificate)

\$ 2,237,645.38

8. CURRENT PAYMENT DUE

\$ 553,086.81

9. BALANCE TO FINISH, INCLUDING RETAINAGE

(Line 3 less Line 6)

\$ 7,190,128.54

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this 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

\$ 553,086.81

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

DISTRICT:

By:

Date:

12/4/19

ARCHITECT:

By:

Date:

12/03/19

IOR:

By:

Date:

12/03/19

Joshua Gregoire

Meridith Holloway

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes in previous months by Owner	157,540.00	(683,147.00)
Total approved this month	-	(16,819.27)
TOTAL	157,540.00	(699,966.27)

Net change by Change Orders

(542,426.27)

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.

CONDITIONAL WAIVER AND RELEASE ON PROGRESS PAYMENT

NOTICE: THIS DOCUMENT WAIVES THE CLAIMANT'S LIEN, STOP PAYMENT NOTICE, AND PAYMENT BOND RIGHTS EFFECTIVE ON RECEIPT OF PAYMENT. A PERSON SHOULD NOT RELY ON THIS DOCUMENT UNLESS SATISFIED THAT THE CLAIMANT HAS RECEIVED PAYMENT.

Identifying Information

Name of Claimant: Robert E. Boyer Construction, Inc.

Name of Customer: Sylvan Union School District

Job Location: Ustach Middle School, 2701 Kodiak Drive, Modesto, CA 95355

Owner: Sylvan Union School District

Through Date: 01/05/2020

Conditional Waiver and Release

This document waives and releases lien, stop payment notice, and payment bond rights the claimant has for labor and service provided, and equipment and material delivered, to the customer on this job through the Through Date of this document. Rights based upon labor or service provided, or equipment or material delivered, pursuant to a written change order that has been fully executed by the parties prior to the date that this document is signed by the claimant, are waived and released by this document, unless listed as an Exception below. This document is effective only on the claimant's receipt of payment from the financial institution on which the following check is drawn:

Maker of Check: Sylvan Union School District

Amount of Check: \$ 553,086.81

Check Payable to: Robert E. Boyer Construction, Inc.

Exceptions

This document does not affect any of the following:

- (1) Retentions.
- (2) Extras for which the claimant has not received payment.
- (3) The following progress payments for which the claimant has previously given a conditional waiver and release but has not received payment:
Date(s) of waiver and release: 11/12/2019
Amount(s) of unpaid progress payment(s): \$ 554,288.19
- (4) Contract rights, including (A) a right based on rescission, abandonment, or breach of contract, and (B) the right to recover compensation for work not compensated by the payment.

Signature

Claimant's Signature: *Robert Boyer*

Claimant's Title: President

Date of Signature: 12/02/2019

EXHIBIT A

SCHEDULE OF SUBLEASE PAYMENTS

The Total Sublease Amount shall be \$10,523,287.00. - \$683,147.00 (CO #1) = \$9,840,140.00 + \$157,540 (CO #2) = \$9,997,680 - \$16,819.27 (CO #3) = \$9,980,860.73

The Schedule of Sublease Payments shall be as follows:

<u>Payment No.</u>	<u>Date Payment Is Due</u>	<u>Amount of Payment</u>	
1	September 5, 2019	\$584,627.06	Paid
2	October 5, 2019	\$584,627.06	\$544,441.94 - Paid
3	November 5, 2019	\$584,627.06	\$554,288.19 - Paid
4	December 5, 2019	\$584,627.06	\$554,288.19 - Billed (not paid)
5	January 5, 2020	\$584,627.06	
6	February 5, 2020	\$584,627.06	
7	March 5, 2020	\$584,627.06	
8	April 5, 2020	\$584,627.06	
9	May 5, 2020	\$584,627.06	
10	June 5, 2020	\$584,627.06	
11	July 5, 2020	\$584,627.06	
12	August 5, 2020	\$584,627.06	
13	September 5, 2020	\$584,627.06	
14	October 5, 2020	\$584,627.06	
15	November 5, 2020	\$584,627.06	
16	December 5, 2020	\$584,627.06	
17	January 5, 2021	\$584,627.06	
18	February 5, 2021	\$584,626.98	\$553,086.82

SUBLEASE PAYMENT WORKSHEET

For Sublease Payment Number 5, due JAN 5, 2020,
on the UMSM Contract at WSTACH School of the Sylvan Union School District

Instructions to Owner:

- For the first sublease payment, use Section I. For subsequent sublease payments, use Sections I and II. Retain this worksheet for every sublease payment made.
- Any reference to a line item in the "Prior Worksheet" means the worksheet prepared for the most recent sublease payment prior to the sublease payment presently being calculated. If the sublease payment presently being calculated is the *first* sublease payment, then use '0' for that line item.
- For any amounts withheld from sublease payments, some or all of these amounts must be paid to contractor as the grounds for withholding are minimized or eliminated.

I. Prior Sublease Payments

A. Amount of Prior Payments

- | | |
|---|------------------------------|
| 1. Original Total Sublease Amount (less contingency and allowances)
[Article 4 of Agreement] | \$ <u>10,523,287.00</u> |
| 2. Amount of Previous Board-Approved Change Orders and Authorized
Allowance or Contingency Expenditure (From Prior
Worksheet: Line 2 + Line 12) | \$ <u><525,607.00></u> |
| 3. Adjusted Total Sublease Amount
(Line 1 + Line 2) | \$ <u>9,997,680.00</u> |
| 4. Base Amount of Previous Sublease Payments
(From Prior Worksheet: Line 4 + Line 18) | \$ <u>2,237,645.38</u> |
| 5. Amount Withheld as of Prior Worksheet
(From Prior Worksheet: Line 5 - Line 19 + Line 20) | \$ <u>0</u> |
| 6. Amount of Actual Previous Sublease Payments
(Line 4 - Line 5) | \$ <u>2,237,645.38</u> |

B. Number of Prior Payments

- | | |
|---|-----------|
| 7. Original Number of Sublease Payments
[Section 6(a) of Sublease] | <u>18</u> |
| 8. Number of Sublease Payments Previously Added [Section 6(d)
of Sublease] (From Prior Worksheet: Line 8 + Line 15) | <u>0</u> |
| 9. Adjusted Number of Sublease Payments
(Line 7 + Line 8) | <u>18</u> |
| 10. Number of Sublease Payments Previously Made
(if this worksheet is for the first sublease payment, enter '0';
otherwise, enter Line 10 from the Prior Worksheet + 1) | <u>4</u> |

II. Remaining Sublease Payments (including this sublease payment)

A. Total Amount of Remaining Payments

11. Total of Remaining Sublease Payments
(Line 3 – Line 4) \$ 7,760,034.62
12. Board-Approved Change Orders and Authorized Allowance and
Contingency Expenditures Since Prior Worksheet \$ 516,819.277
13. Adjusted Total of Remaining Base Sublease Payments
(Line 11 + Line 12) \$ 7,743,215.35

B. Number of Remaining Payments

14. Number of Remaining Sublease Payments
(Line 9 – Line 10) 14
15. Number of Sublease Payments Added Since Prior
Worksheet [Section 6(d) of Sublease] 0
16. Adjusted Number of Remaining Sublease Payments
(Line 14 + Line 15) 14

C. Amount of Each Remaining Payment

17. Adjusted Amount of Each Remaining Base Sublease Payment
(Line 13 ÷ Line 16) \$ 553,086.81

III. Amount of This Sublease Payment

18. Base Amount of this Sublease Payment
(Line 17) \$ 553,086.81
19. Previous Withhold Items That Have Been Resolved Since Prior
Worksheet (see Withhold Log) \$ 0
20. New Withhold Items Since Prior Worksheet (see Withhold Log) \$ 0
21. Adjusted Amount of this Payment
(Line 18 + Line 19 – Line 20) \$ 553,086.81
22. Total of Actual Sublease Payments (Including this Payment)
(Line 6 + Line 21) \$ 2,790,732.19

PO # 200858

December 2, 2019

Ms. Lizette Aguilar

Superintendent Business Services
Sylvan Union School District
605 Sylvan Ave.
Modesto, CA 95350

RE: Inspection Services for: Ustach Modernization

Ms. Aguilar;

02-117460 – Ustach Modernization

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DSA Required documents, Maintenance of DSA Box Documents, Inspection, coordination of Lab services, progress meetings, review Time and Material items added to scope of project, Review plans and Specification, CCD, RFI and Change orders

Through – December 2, 2019

Total Hours

39

Hourly rate

\$65.00

Total Due

\$2535.00

Please make Payable to: Meredith Holloway
5314 Smith Road
Oakdale, CA 95361

MS

Thank you for your time and consideration.

Meredith Holloway
DSA Inspector, II
209-988-0742
antmerdo@aol.com

Please remit to:

Krazan & Associates, Inc.
215 West Dakota Avenue
Clovis, California 93612

Phone: (209) 572-2200

Fax: (209) 572-2206

KA Tax I.D. No: 77-0039491

Client: Sylvan Union School District

Attn: Accounts Payable

605 Sylvan Avenue
Modesto, CA 95350

Project: Modernization & Upgrades to Ustach
Middle School

Location: 2701 Kodlak Ave.
Modesto, CA95355

Client Job No:

P.O. No:

Permit No:

Proj. No: 07619212

Client Nos: 8233: 1290

Invoice Date: October 31, 2019

Proj. Mgr: Baker, Shawn

Date	Detailed Description of Services	Units	Rate	Amount
Construction Testing & Inspection Services				
07-Oct-19	Compaction & Moisture Testing	4.00	105.00	\$420.00
11-Oct-19	Compaction & Moisture Testing	4.00	105.00	\$420.00
14-Oct-19	Reinforcement Sampling	4.00	65.00	\$260.00
17-Oct-19	Epoxy/Anchor Inspection & Testing	2.00	110.00	\$220.00
18-Oct-19	Concrete/Rebar Placement & Samplin	4.00	105.00	\$420.00
18-Oct-19	Concrete Batch Plant Inspection	2.00	65.00	\$130.00
21-Oct-19	Reinforcement Sampling	4.00	65.00	\$260.00
22-Oct-19	Concrete/Rebar Placement & Samplin	2.00	105.00	\$210.00
29-Oct-19	Epoxy/Anchor Inspection & Testing	4.00	110.00	\$440.00
	Engineer Review/Clerical/Report Prep	1.00	100.00	\$100.00
			Subtotal:	\$2,880.00

Laboratory Testing Services

08-Oct-19	Maximum Density Curves (Sample #133568)	1.00	150.00	\$150.00
14-Oct-19	Rebar Tensile & Bend Testing (Sample #133923)	1.00	90.00	\$90.00
18-Oct-19	Compression Test Sets (Sample #134096)	1.00	80.00	\$80.00

Please Pay This Amount: \$3,290.00

Payable upon receipt of invoice. Overdue accounts charged 1.5% per month (18% annually)
Remit copy of invoice with payment and include our invoice number on your check.

F-PAS

Please remit to:

Krazan & Associates, Inc.
215 West Dakota Avenue
Clovis, California 93612

KA Tax I.D. No: 77-0039491

Phone: (209) 572-2200

Fax: (209) 572-2206

Client: Sylvan Union School District

Attn: **Accounts Payable**
605 Sylvan Avenue
Modesto, CA 95350

Project: **Modernization & Upgrades to Ustach
Middle School**

Location: **2701 Kodiak Ave.
Modesto, CA95355**

Client Job No:

P.O. No:

Permit No:

Proj. No: 07619212

Client Nos: 8233: 1290

Invoice Date: **October 31, 2019**

Proj. Mgr: Baker, Shawn

Date	Detailed Description of Services	Units	Rate	Amount
30-Oct-19	Rebar Tensile & Bend Testing (Sample #133925)	1.00	90.00	\$90.00
			Subtotal:	\$410.00

Total Amount Due: \$3,290.00

Please Pay This Amount: \$3,290.00

Payable upon receipt of invoice. Overdue accounts charged 1.5% per month (18% annually)
Remit copy of invoice with payment and include our invoice number on your check.

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605 Sylvan Avenue
Modesto, CA 95350

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Middle School**
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Modesto, CA95355**

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29-Oct-19	Epoxy/Anchor Inspection & Testing	4.00	110.00	\$440.00
	Engineer Review/Clerical/Report Prep	1.00	100.00	\$100.00
			Subtotal:	\$2,880.00

Laboratory Testing Services

08-Oct-19	Maximum Density Curves (Sample #133568)	1.00	150.00	\$150.00
14-Oct-19	Rebar Tensile & Bend Testing (Sample #133923)	1.00	90.00	\$90.00
18-Oct-19	Compression Test Sets (Sample #134096)	1.00	80.00	\$80.00

Please Pay This Amount: \$3,290.00

Payable upon receipt of invoice. Overdue accounts charged 1.5% per month (18% annually)
Remit copy of invoice with payment and include our invoice number on your check.

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