

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: 8r
 PERIOD TO: 4/5/2020
 PROJECT NO.:
 CONTRACT DATE: 8/28/2019

Distribution to:
 DISTRICT
 ARCHITECT

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 \$ 10,523,287.00
- 2. NET CHANGE BY CHANGE ORDERS \$ (475,488.50)
- 3. CONTRACT SUM TO DATE (Line 1+/-2) \$ 10,047,798.50
- 4. TOTAL COMPLETED & STORED TO DATE \$ 4,456,077.87

5. RETAINAGE: \$ _____
 a. N/A

- 6. TOTAL EARNED LESS RETAINAGE \$ 4,456,077.87
 (Line 4 less Line 5 Total)
- 7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate) \$ 3,896,905.81
- 8. CURRENT PAYMENT DUE \$ 559,172.06
- 9. BALANCE TO FINISH, INCLUDING RETAINAGE \$ 5,591,720.63
 (Line 3 less Line 6)

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes in previous months by Owner	199,518.78	(699,966.27)
Total approved this month	24,958.99	-
TOTAL	224,477.77	(699,966.27)

Net change by Change Orders (475,488.50)

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.

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: Robert Boyer Date: 02/26/2020

By: _____ Date: _____

State of: _____ County of: _____

Subscribed and sworn to before me this _____ day of _____, 20____

Notary Public: _____

My Commission expires: _____

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 \$ 559,172.06

(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: _____ Date: 2/27/2020

By: _____

ARCHITECT: Joshua Gregoire Date: 02/27/2020

By: _____

IOR: Meridith Holloway Date: 02/27/2020

By: _____

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: 04/05/2020

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: \$ 559,172.06

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: 01/27/2020
Amount(s) of unpaid progress payment(s): \$ 553,086.81
 - (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: 02/26/2020

SUBLEASE PAYMENT WORKSHEET

For Sublease Payment Number 8, due 4-5, 2020,
on the UMSM Contract at USTACH 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>542,426.27</u> } |
| 3. Adjusted Total Sublease Amount
(Line 1 + Line 2) | \$ <u>9,980,860.73</u> |
| 4. Base Amount of Previous Sublease Payments
(From Prior Worksheet: Line 4 + Line 18) | \$ <u>3,896,905.81</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>3,896,905.81</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>7</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) \$ 6,083,954.92
12. Board-Approved Change Orders and Authorized Allowance and Contingency Expenditures Since Prior Worksheet \$ 61,937.77
13. Adjusted Total of Remaining Base Sublease Payments (Line 11 + Line 12) \$ 6,150,892.69

B. Number of Remaining Payments

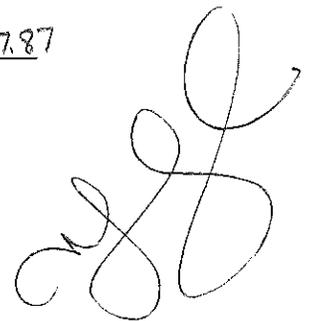
14. Number of Remaining Sublease Payments (Line 9 – Line 10) 11
15. Number of Sublease Payments Added Since Prior Worksheet [Section 6(d) of Sublease] 0
16. Adjusted Number of Remaining Sublease Payments (Line 14 + Line 15) 11

C. Amount of Each Remaining Payment

17. Adjusted Amount of Each Remaining Base Sublease Payment (Line 13 + Line 16) \$ 559,172.06

III. Amount of This Sublease Payment

18. Base Amount of this Sublease Payment (Line 17) \$ 559,172.06
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) \$ 559,172.06
22. Total of Actual Sublease Payments (Including this Payment) (Line 6 + Line 21) \$ 4,456,077.87



PO # 2007858

March 3, 2020

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

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

February 18 – March 3, 2020

Total Hours	48
Hourly rate	\$65.00

Total Due \$3120.00

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

Thank you for your time and consideration.

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

Handwritten signature and date: 3/4/2020