



STAFF REPORT

DATE: August 16, 2022

CONSENT

AGENDA ITEM: Approve Pay Request No. 4 for the Whistling Valley Street and Utility Improvements

SUBMITTED BY: Mark Scholle, Project Engineer

REVIEWED BY: Kristina Handt, City Administrator
Marty Powers, Public Works Director
Jack Griffin, City Engineer

ISSUE BEFORE COUNCIL: Should the City Council approve Pay Request No. 4 for the Whistling Valley Street and Utility Improvements?

BACKGROUND: Jacon, LLC was awarded a construction contract on January 4, 2022 to complete the Whistling Valley Street and Utility Improvements. Work remains in progress with a substantial completion date of October 14, 2022 and final completion date of November 25, 2022.

PROPOSAL DETAILS/ANALYSIS: Jacon, LLC has submitted Partial Pay Request No. 4 in the amount of \$335,015.98. The request has been reviewed and payment is recommended in the amount requested. In accordance with the contract documents, the City has retained 5% of the total work completed. The amount retained is \$88,015.18.

FISCAL IMPACT: None. Partial payment is proposed in accordance with the Contract for the project. Payment remains within the authorized scope and budget.

RECOMMENDATION: Staff is recommending that the City Council approve, *as part of the Consent Agenda*, Pay Request No. 4 for the Whistling Valley Street and Utility Improvements. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to approve Pay Request No. 4 to Jacon, LLC in the amount of \$335,015.98 for Whistling Valley Street and Utility Improvements”.

ATTACHMENTS:

1. Partial Pay Estimate No. 4.

PROJECT PAY FORM

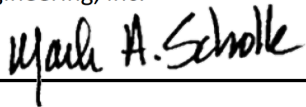
| | |
|-----------------------------------|--------------------------------|
| PARTIAL PAY ESTIMATE NO. <u>4</u> | FOCUS ENGINEERING, inc. |
|-----------------------------------|--------------------------------|

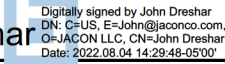
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|---|--|
| WHISTLING VALLEY UTILITY AND STREET IMPROVEMENTS PROJECT NO. 2020.123 | PERIOD OF ESTIMATE FROM <u>7/1/2022</u> TO <u>7/31/2022</u> |
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| | |
|---|---|
| PROJECT OWNER: CITY OF LAKE ELMO 3800 LAVERNE AVENUE NORTH LAKE ELMO, MN 55042 ATTN: JACK GRIFFIN, CITY ENGINEER | CONTRACTOR: JACON, LLC 3900 LABORE ROAD VADNAIS HEIGHTS, MN 55110 ATTN: JOHN DRESHAR |
|---|---|

| CONTRACT CHANGE ORDER SUMMARY | | | | PAY ESTIMATE SUMMARY | |
|-------------------------------|---------------|--------------|------------|---|---------------------|
| No. | Approval Date | Amount | | | |
| | | Additions | Deductions | | |
| CO-1 | 3/15/2022 | \$141,959.85 | | 1. Original Contract Amount | \$2,270,606.45 |
| CO-2 | 6/7/2022 | \$16,066.21 | | 2. Net Change Order Sum | \$160,828.35 |
| CO-3 | 7/19/2022 | \$2,802.29 | | 3. Revised Contract (1+2) | \$2,431,434.80 |
| | | | | 4. *Work Completed | \$1,760,303.56 |
| | | | | 5. *Stored Materials | \$0.00 |
| | | | | 6. Subtotal (4+5) | \$1,760,303.56 |
| | | | | 7. Retainage* 5.0% | \$88,015.18 |
| | | | | 8. Previous Payments | \$1,337,272.40 |
| TOTALS | | \$160,828.35 | \$0.00 | 9. Amount Due (6-7-8) | \$335,015.98 |
| NET CHANGE | | \$160,828.35 | | *Detailed Breakdown Attached | |

| CONTRACT TIME | | | | | |
|-------------------------|-------------------|---------------|------------|-------------|-------------------------------------|
| START DATE: | <u>4/18/2022</u> | ORIGINAL DAYS | <u>221</u> | ON SCHEDULE | |
| SUBSTANTIAL COMPLETION: | <u>10/14/2022</u> | REVISED DAYS | <u>0</u> | YES | <input checked="" type="checkbox"/> |
| FINAL COMPLETION: | <u>11/25/2022</u> | REMAINING | <u>117</u> | NO | <input type="checkbox"/> |

| | |
|--|--|
| ENGINEER'S CERTIFICATION: The undersigned certifies that the work has been reviewed and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents. | FOCUS Engineering, inc.  _____ ENGINEER 8/9/2022 _____ DATE |
|--|--|

| | |
|--|---|
| CONTRACTOR'S CERTIFICATION: The undersigned Contractor certifies that to the best of their knowledge, information and belief the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the contractor for work for which previous payment estimates was issued and payments received from the owner, and that current payment shown herein is now due. | CONTRACTOR  _____ BY _____ DATE |
|--|---|

| | |
|--|---------------|
| APPROVED BY OWNER: CITY OF LAKE ELMO, MINNESOTA | |
| _____ BY | _____ BY |
| _____ DATE | _____ DATE |

**WHISTLING VALLEY UTILITY AND STREET IMPROVEMENTS
CITY OF LAKE ELMO, MINNESOTA
PROJECT NO. 2020.123**



| ITEM | DESCRIPTION OF PAY ITEM | UNIT | CONTRACT | | | THIS PERIOD | | TOTAL TO DATE | |
|------|--|----------|----------|--------------|-----------------------|-------------|---------------------|---------------|-----------------------|
| | | | QUANTITY | UNIT PRICE | AMOUNT | QUANTITY | AMOUNT | QUANTITY | AMOUNT |
| 1 | MOBILIZATION** | LUMP SUM | 1 | \$122,784.30 | \$122,784.30 | 0.00 | \$0.00 | 1.00 | \$122,784.30 |
| 2 | CLEARING AND GRUBBING** | ACRE | 1 | \$12,012.90 | \$12,012.90 | 0.00 | \$0.00 | 0.11 | \$1,321.42 |
| 3 | REMOVE CONCRETE CURB AND GUTTER | LIN FT | 4679 | \$5.43 | \$25,406.97 | 2,970.00 | \$16,127.10 | 4,823.00 | \$26,188.89 |
| 4 | REMOVE CONCRETE DRIVEWAY PAVEMENT | SQ YD | 13 | \$31.05 | \$403.65 | 0.00 | \$0.00 | 0.00 | \$0.00 |
| 5 | REMOVE BITUMINOUS DRIVEWAY PAVEMENT | SQ YD | 30 | \$10.35 | \$310.50 | 0.00 | \$0.00 | 22.00 | \$227.70 |
| 6 | SALVAGE AND REINSTALL DRIVEWAY PAVERS | SQ YD | 34 | \$190.00 | \$6,460.00 | 0.00 | \$0.00 | 0.00 | \$0.00 |
| 7 | SAWING PAVEMENT (FULL DEPTH) | LIN FT | 670 | \$5.00 | \$3,350.00 | 0.00 | \$0.00 | 636.00 | \$3,180.00 |
| 8 | REMOVE SEWER PIPE (STORM) | SQ YD | 55 | \$35.00 | \$1,925.00 | 0.00 | \$0.00 | 50.00 | \$1,750.00 |
| 9 | REMOVE BITUMINOUS PAVEMENT (P)** | SQ YD | 23218 | \$5.00 | \$116,090.00 | 11,218.00 | \$56,090.00 | 23,218.00 | \$116,090.00 |
| 10 | REMOVE BITUMINOUS WALK | SQ YD | 200 | \$10.35 | \$2,070.00 | 0.00 | \$0.00 | 144.00 | \$1,490.40 |
| 11 | REMOVE SIGN | EACH | 19 | \$45.00 | \$855.00 | 0.00 | \$0.00 | 0.00 | \$0.00 |
| 12 | SALVAGE AND REINSTALL MAIL BOX ASSEMBLY** | EACH | 37 | \$341.89 | \$12,649.93 | 0.00 | \$0.00 | 10.00 | \$3,418.90 |
| 13 | ADJUST CASTING | EACH | 46 | \$200.00 | \$9,200.00 | 0.00 | \$0.00 | 0.00 | \$0.00 |
| 14 | ADJUST CATCH BASIN | EACH | 18 | \$150.00 | \$2,700.00 | 8.00 | \$1,200.00 | 28.00 | \$4,200.00 |
| 15 | REMOVE CASTING | EACH | 12 | \$50.00 | \$600.00 | 12.00 | \$600.00 | 12.00 | \$600.00 |
| 16 | GEOTEXTILE FABRIC, TYPE V | CU YD | 10448 | \$0.79 | \$8,253.92 | 0.00 | \$0.00 | 693.00 | \$547.47 |
| 17 | GEOGRID | SQ FT | 824 | \$7.32 | \$6,031.68 | 0.00 | \$0.00 | 0.00 | \$0.00 |
| 18 | AGGREGATE BASE CL 6 (CV)(P)** | CU YD | 4890 | \$31.20 | \$152,568.00 | 2,270.00 | \$70,824.00 | 4,765.00 | \$148,668.00 |
| 19 | COMMON EXCAVATION (P)** | CU YD | 3869 | \$20.30 | \$78,540.70 | 1,319.00 | \$26,775.70 | 3,539.00 | \$71,841.70 |
| 20 | STREET SWEEPING | HOUR | 40 | \$120.00 | \$4,800.00 | 0.00 | \$0.00 | 29.00 | \$3,480.00 |
| 21 | TYPE SP 9.5 WEARING COURSE MIX (2,C) | TON | 2210 | \$90.00 | \$198,900.00 | 0.00 | \$0.00 | 0.00 | \$0.00 |
| 22 | TYPE SP 12.5 WEARING COURSE MIXTURE (2,C) | TON | 2945 | \$83.00 | \$244,435.00 | 0.00 | \$0.00 | 1,088.00 | \$90,304.00 |
| 23 | TYPE SP 9.5 WEARING COURSE MIX (2,B) (DRIVEWAYS & TRAIL) | TON | 200 | \$156.00 | \$31,200.00 | 0.00 | \$0.00 | 0.00 | \$0.00 |
| 24 | BITUMINOUS MATERIAL FOR TACK COAT | GAL | 1628 | \$2.00 | \$3,256.00 | 0.00 | \$0.00 | 0.00 | \$0.00 |
| 25 | 4" PVC SCHEDULE 40 PERF PE PIPE DRAIN W/ BACKFILL AND WRAP | LIN FT | 1458 | \$14.00 | \$20,412.00 | 0.00 | \$0.00 | 294.00 | \$4,116.00 |
| 26 | DRAINTILE CLEANOUT | EACH | 14 | \$250.00 | \$3,500.00 | 0.00 | \$0.00 | 3.00 | \$750.00 |
| 27 | 12" HDPE STORM SEWER PIPE | LIN FT | 55 | \$21.00 | \$1,155.00 | 0.00 | \$0.00 | 40.00 | \$840.00 |
| 28 | 12" FLARED END SECTION | EACH | 1 | \$420.00 | \$420.00 | 0.00 | \$0.00 | 1.00 | \$420.00 |
| 29 | 6" CONCRETE HEADWALL | EACH | 1 | \$12,300.00 | \$12,300.00 | 0.00 | \$0.00 | 0.00 | \$0.00 |
| 30 | CONCRETE FLUME | EACH | 2 | \$1,500.00 | \$3,000.00 | 0.00 | \$0.00 | 0.00 | \$0.00 |
| 31 | FURNISH AND INSTALL CASTING ASSEMBLY R-3067-V | EACH | 18 | \$675.00 | \$12,150.00 | 18.00 | \$12,150.00 | 18.00 | \$12,150.00 |
| 32 | CONNECT DRAINTILE TO EXISTING STORM STRUCTURE | EACH | 14 | \$500.00 | \$7,000.00 | 0.00 | \$0.00 | 3.00 | \$1,500.00 |
| 33 | CONNECT TO EXISTING WATERMAIN | EACH | 2 | \$4,025.00 | \$8,050.00 | 0.00 | \$0.00 | 2.00 | \$8,050.00 |
| 34 | HYDRANT AND GATE VALVE ASSEMBLY | EACH | 12 | \$7,500.00 | \$90,000.00 | 0.00 | \$0.00 | 12.00 | \$90,000.00 |
| 35 | 10" HDPE TO 8" DIP TRANSITION FITTING | EACH | 71 | \$770.00 | \$54,670.00 | 0.00 | \$0.00 | 44.00 | \$33,880.00 |
| 36 | 1.5" CURB STOP & BOX | EACH | 37 | \$485.00 | \$17,945.00 | 12.00 | \$5,820.00 | 37.00 | \$17,945.00 |
| 37 | 1.5" CORPORATION STOP | EACH | 37 | \$550.00 | \$20,350.00 | 12.00 | \$6,600.00 | 37.00 | \$20,350.00 |
| 38 | 1.5" TYPE K COPPER PIPE | LIN FT | 1189 | \$36.60 | \$43,517.40 | 372.00 | \$13,615.20 | 1,212.00 | \$44,359.20 |
| 39 | 8" GATE VALVE AND BOX | EACH | 11 | \$3,283.15 | \$36,114.65 | 0.00 | \$0.00 | 11.00 | \$36,114.65 |
| 40 | 6" WATERMAIN DUCTILE IRON CL 52 | LIN FT | 112 | \$116.70 | \$13,070.40 | 0.00 | \$0.00 | 85.00 | \$9,919.50 |
| 41 | 8" WATERMAIN DUCTILE IRON CL 52 | LIN FT | 816 | \$81.00 | \$66,096.00 | 0.00 | \$0.00 | 485.00 | \$39,285.00 |
| 42 | 10" HDPE DR 11 WATERMAIN (DIRECTIONAL DRILLING) W/ 4700 LB TRACER WIRE** | LIN FT | 6691 | \$71.25 | \$476,733.75 | 0.00 | \$0.00 | 6,993.00 | \$498,251.25 |
| 43 | 4" INSULATION | SQ YD | 56 | \$34.00 | \$1,904.00 | 3.60 | \$122.40 | 23.60 | \$802.40 |
| 44 | DUCTILE IRON FITTINGS | LB | 3040 | \$6.83 | \$20,763.20 | 0.00 | \$0.00 | 3,026.00 | \$20,667.58 |
| 45 | CONCRETE CURB AND GUTTER DESIGN D412 | LIN FT | 3849 | \$30.36 | \$116,855.64 | 2,781.00 | \$84,431.16 | 4,634.00 | \$140,688.24 |
| 46 | CONCRETE CURB AND GUTTER DESIGN B618 | LIN FT | 1310 | \$30.80 | \$40,348.00 | 1,248.00 | \$38,438.40 | 1,665.00 | \$51,282.00 |
| 47 | 24" CONCRETE RIBBON CURB | LIN FT | 5284 | \$13.86 | \$73,236.24 | 611.00 | \$8,468.46 | 4,311.00 | \$59,750.46 |
| 48 | 6" CONCRETE DRIVEWAY PAVEMENT | SQ YD | 13 | \$110.00 | \$1,430.00 | 0.00 | \$0.00 | 0.00 | \$0.00 |
| 49 | INSTALL CONCRETE PEDESTRIAN RAMP | EACH | 19 | \$2,079.00 | \$39,501.00 | 0.00 | \$0.00 | 10.00 | \$20,790.00 |
| 50 | TRAFFIC CONTROL | LUMP SUM | 1 | \$6,500.00 | \$6,500.00 | 0.22 | \$1,430.00 | 0.72 | \$4,680.00 |
| 51 | SIGN PANELS TYPE C | SQ FT | 63.31 | \$130.00 | \$8,230.30 | 0.00 | \$0.00 | 0.00 | \$0.00 |
| 52 | SIGN PANELS TYPE SPECIAL (STREET NAME SIGN) | EACH | 10 | \$340.00 | \$3,400.00 | 0.00 | \$0.00 | 0.00 | \$0.00 |
| 53 | SILT FENCE PREASSEMBLED | LIN FT | 1000 | \$3.00 | \$3,000.00 | 0.00 | \$0.00 | 0.00 | \$0.00 |
| 54 | STORM DRAIN INLET PROTECTION | EACH | 34 | \$220.00 | \$7,480.00 | 0.00 | \$0.00 | 15.00 | \$3,300.00 |
| 55 | COMMON TOPSOIL BORROW PULVERIZED (LV) | CU YD | 678 | \$40.25 | \$27,289.50 | 50.00 | \$2,012.50 | 50.00 | \$2,012.50 |
| 56 | SODDING TYPE MINERAL** | SQ YD | 6401 | \$11.67 | \$74,699.67 | 0.00 | \$0.00 | 0.00 | \$0.00 |
| 57 | SEEDING (SEED MIXTURE TYPE 25-141) | ACRE | 0.5 | \$4,500.00 | \$2,250.00 | 0.00 | \$0.00 | 0.00 | \$0.00 |
| 58 | EROSION CONTROL BLANKETS CATEGORY 3N | SQ YD | 2505 | \$2.60 | \$6,513.00 | 0.00 | \$0.00 | 0.00 | \$0.00 |
| 59 | CLASS 3 RIP-RAP WITH GEOTEXTILE FABRIC | CY YD | 50 | \$149.50 | \$7,475.00 | 0.00 | \$0.00 | 3.00 | \$448.50 |
| 60 | TEMPORARY ROCK CONSTRUCTION ENTRANCE | EACH | 2 | \$1,750.00 | \$3,500.00 | 0.00 | \$0.00 | 1.00 | \$1,750.00 |
| 61 | SEDIMENT CONTROL LOG | LIN FT | 12301 | \$3.00 | \$36,903.00 | 0.00 | \$0.00 | 7,080.00 | \$21,240.00 |
| | | | | | \$2,412,566.30 | | \$344,704.92 | | \$1,741,435.06 |

| ITEM | DESCRIPTION OF PAY ITEM | UNIT | CONTRACT | | | THIS PERIOD | | TOTAL TO DATE | |
|------|-------------------------|------|----------|------------|--------|-------------|--------|---------------|--------|
| | | | QUANTITY | UNIT PRICE | AMOUNT | QUANTITY | AMOUNT | QUANTITY | AMOUNT |

NOTE: ** PREVAILING WAGE COSTS INCLUDED IN UNIT PRICE PER CHANGE ORDER NO.1 Orig. Contract Amount \$2,270,606.45

CO-1 See note above and Change Order-1 for detail \$141,959.85

TOTALS - BASE CONTRACT \$2,412,566.30 \$344,704.92 \$1,741,435.06

| CHANGE ORDER NO. 2 | | | | | | | | | |
|-------------------------------|---|----|---|-------------|-------------|------|------------|------|-------------|
| CO2-1 | ADD TRACER WIRE FOR ALL PROJECT SERVICES AND HYDRANTS | LS | 1 | \$16,066.21 | \$16,066.21 | 0.32 | \$5,141.19 | 1.00 | \$16,066.21 |
| SUBTOTAL - CHANGE ORDER NO. 2 | | | | | \$16,066.21 | | \$5,141.19 | | \$16,066.21 |

| CHANGE ORDER NO. 3 | | | | | | | | | |
|-------------------------------|-----------------------------------|----|----|----------|------------|-------|------------|-------|------------|
| CO3-1 | SALVAGE OF EXISTING BASE MATERIAL | LS | 1 | \$368.00 | \$368.00 | 1.00 | \$368.00 | 1.00 | \$368.00 |
| CO3-2 | CONCRETE VALLEY GUTTER | LF | 53 | \$45.93 | \$2,434.29 | 53.00 | \$2,434.29 | 53.00 | \$2,434.29 |
| SUBTOTAL - CHANGE ORDER NO. 3 | | | | | \$2,802.29 | | \$2,802.29 | | \$2,802.29 |

TOTALS - REVISED CONTRACT \$2,431,434.80 \$352,648.40 \$1,760,303.56