



Agenda

City Council Work Session Meeting
Oelwein City Hall, 20 Second Avenue SW, Oelwein, Iowa
5:30 PM

October 23, 2023
Oelwein, Iowa

Mayor: Brett DeVore

Mayor Pro Tem: Lynda Payne

Council Members: Karen Seeders, Tom Stewart, Matt Weber, Dave Garrigus, Dave Lenz

Pledge of Allegiance

Discussions

- [1.](#) Discussion on Final Pay Request No. 4 from Matt Construction.

Adjournment

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 319-283-5440

APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702

PAGE ONE OF TWO PAGE(S)

TO OWNER: City of Oelwein
20 2nd Ave SW
Oelwein, IA 50662
FROM CONTRACTOR: Matt Construction, Inc.
203 Y Avenue
Sumner, IA 50674
PROJECT: Plaza Park Improvements
VIA ARCHITECT: Confluence
900 2nd St SE, Ste 104
Cedar Rapids, IA 52404

APPLICATION NO: 4
PERIOD TO: Final
PROJECT NOS:

Distribution to:
[] OWNER
[] ARCHITECT
[X] CONTRACTOR

CONTRACT FOR:

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 \$ 646,512.00
2. Net change by Change Orders \$ 80,991.66
3. CONTRACT SUM TO DATE (Line 1 + 2) \$ 727,503.66
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703) \$ 727,503.66
5. RETAINAGE:
a. 5% of Completed Work \$ 36,375.18
b. 5% of Stored Material \$
Total Retainage (Lines 5a + 5b or Total in Column I of G703) \$ 36,375.18
6. TOTAL EARNED LESS RETAINAGE \$ 691,128.48
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate) \$ 650,023.02
8. CURRENT PAYMENT DUE \$ 77,480.64
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6) \$ 0.00

CONTRACTOR: Matt Construction, Inc.

By: [Signature] Date:

State of: County of:
Subscribed and sworn to before me this day of
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 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 \$ 77,480.64

(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.)

By: Date:

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.

Table with 3 columns: CHANGE ORDER SUMMARY, ADDITIONS, DEDUCTIONS. Rows include Total changes approved in previous months by Owner, Total approved this Month (#1), TOTALS, and NET CHANGES by Change Order.



[Signature]

OELWEIN PLAZA PARK IMPROVEMENTS

CITY OF OELWEIN

3/24/2023 - Base Bid including Addendum #1, 2, 3, 4

Date:
Application #:

9/29/23
4 FINAL

Item 1.

ITEM #	ITEM DESCRIPTION	QTY.	UNIT	UNIT COST	TOTAL COST	From Previous Application	From This Application	Total Complete	% Complete	Balance To Finish	Retainage
DIVISION 1 - GENERAL											
1	Traffic Control + Construction Fencing	1	LS	\$7,500.00	\$7,500.00	\$7,500.00	\$0.00	\$7,500.00	100.00%	\$0.00	\$375.00
2	Removal for Asphalt Pavement at Alley Edge	174	SY	\$17.00	\$2,958.00	\$2,958.00	\$0.00	\$2,958.00	100.00%	\$0.00	\$147.90
3	Removal of Concrete Planters	1	LS	\$3,000.00	\$3,000.00	\$3,000.00	\$0.00	\$3,000.00	100.00%	\$0.00	\$150.00
4	Removal + Relocation of Fencing	1	LS	\$3,000.00	\$3,000.00	\$3,000.00	\$0.00	\$3,000.00	100.00%	\$0.00	\$150.00
DIVISION 2 - EARTHWORK											
5	Topsoil, On-site, 4 Inch Depth (Strip, Salvage, Spread)	1	LS	\$4,120.00	\$4,120.00	\$4,120.00	\$0.00	\$4,120.00	100.00%	\$0.00	\$206.00
6	Topsoil, Haul, Placement	1	LS	\$2,400.00	\$2,400.00	\$2,400.00	\$0.00	\$2,400.00	100.00%	\$0.00	\$120.00
7	Excavation, Class 10, Balance Cut/Fill On-site	1	LS	\$2,320.00	\$2,320.00	\$2,320.00	\$0.00	\$2,320.00	100.00%	\$0.00	\$116.00
8	Structural Impervious Fill, Haul, Placement and	1	LS	\$6,200.00	\$6,200.00	\$6,200.00	\$0.00	\$6,200.00	100.00%	\$0.00	\$310.00
9	Compaction Testing	1	LS	\$5,951.00	\$5,951.00	\$5,951.00	\$0.00	\$5,951.00	100.00%	\$0.00	\$297.55
10	Erosion Control	1	LS	\$1,000.00	\$1,000.00	\$1,000.00	\$0.00	\$1,000.00	100.00%	\$0.00	\$50.00
DIVISION 6 - UTILITIES											
11	Sanitary Sewer Service	1	LS	\$5,200.00	\$5,200.00	\$5,200.00	\$0.00	\$5,200.00	100.00%	\$0.00	\$260.00
12	Water Service	1	LS	\$10,000.00	\$10,000.00	\$10,000.00	\$0.00	\$10,000.00	100.00%	\$0.00	\$500.00
13	Electrical Service	1	LS	\$36,500.00	\$36,500.00	\$36,500.00	\$0.00	\$36,500.00	100.00%	\$0.00	\$1,825.00
14	Festoon Lighting	380	LF	\$8.00	\$3,040.00	\$3,040.00	\$0.00	\$3,040.00	100.00%	\$0.00	\$152.00
15	Festoon Poles, Footings, and Connection Hardware	6	EA	\$1,558.00	\$9,348.00	\$9,348.00	\$0.00	\$9,348.00	100.00%	\$0.00	\$467.40
DIVISION 7 - STREETS AND RELATED WORK											
16	Pavement, PCC, 5 in Thickness - Walkways	648	SY	\$90.00	\$58,320.00	\$58,320.00	\$0.00	\$58,320.00	100.00%	\$0.00	\$2,916.00
17	Subbase, Modified, 6 Inch @ PCC Walks	154	CY	\$54.00	\$8,316.00	\$8,316.00	\$0.00	\$8,316.00	100.00%	\$0.00	\$415.80
18	Pavement, PCC, 4 in Thickness - Play Surfacing	236	SY	\$80.00	\$18,880.00	\$18,880.00	\$0.00	\$18,880.00	100.00%	\$0.00	\$944.00
19	Subbase, Modified, 6 Inch @ Play Surfacing Subbase	78	CY	\$54.00	\$4,212.00	\$4,212.00	\$0.00	\$4,212.00	100.00%	\$0.00	\$210.60
20	Pavement, HMA, Full-Depth - Alley Transition	40	TON	\$259.00	\$10,360.00	\$10,360.00	\$0.00	\$10,360.00	100.00%	\$0.00	\$518.00
21	Curb and Gutter, 6 in Tall, 24 in Width, 6 in Thickness	310	LF	\$50.00	\$15,500.00	\$15,500.00	\$0.00	\$15,500.00	100.00%	\$0.00	\$775.00
DIVISION 9 - SITE WORK AND LANDSCAPING											
22	Seeding & Fertilizing, Type 1	0.50	AC	\$ 7,300.00	\$ 3,650.00	\$3,650.00	\$0.00	\$3,650.00	100.00%	\$0.00	\$182.50
23	Watering	1	LS	\$ 2,200.00	\$ 2,200.00	\$2,200.00	\$0.00	\$2,200.00	100.00%	\$0.00	\$110.00
23	Trees to be relocated	3	EA	\$ 410.00	\$ 1,230.00	\$1,230.00	\$0.00	\$1,230.00	100.00%	\$0.00	\$61.50
24	Deciduous Trees with Warranty	11	EA	\$ 665.00	\$ 7,315.00	\$7,315.00	\$0.00	\$7,315.00	100.00%	\$0.00	\$365.75
25	Evergreen Trees with Warranty	4	EA	\$ 745.00	\$ 2,980.00	\$2,980.00	\$0.00	\$2,980.00	100.00%	\$0.00	\$149.00
26	Deciduous and Evergreen Shrubs with Warranty	46	EA	\$ 82.00	\$ 3,772.00	\$3,772.00	\$0.00	\$3,772.00	100.00%	\$0.00	\$188.60
27	Ornamental Grasses with Warranty	104	EA	\$ 53.00	\$ 5,512.00	\$5,512.00	\$0.00	\$5,512.00	100.00%	\$0.00	\$275.60
28	Shredded Hardwood Mulch for Plant Beds	48	CY	\$ 138.00	\$ 6,624.00	\$6,624.00	\$0.00	\$6,624.00	100.00%	\$0.00	\$331.20
29	Installation of Reclaimed Limestone Blocks	31	EA	\$ 155.00	\$ 4,805.00	\$4,805.00	\$0.00	\$4,805.00	100.00%	\$0.00	\$240.25
DIVISION 11 - MISCELLANEOUS											
29	Construction Staking	1	LS	\$ 6,200.00	\$ 6,200.00	\$6,200.00	\$0.00	\$6,200.00	100.00%	\$0.00	\$310.00
30	Mobilization	1	LS	\$ 50,000.00	\$ 50,000.00	\$50,000.00	\$0.00	\$50,000.00	100.00%	\$0.00	\$2,500.00
31	Concrete Washout Basin, Lined	1	LS	\$ 1,000.00	\$ 1,000.00	\$1,000.00	\$0.00	\$1,000.00	100.00%	\$0.00	\$50.00
DIVISION 12 - SPECIAL PROVISIONS											
32	4 Qty. Universal Restroom - Fabricated Container	1	LS	\$ 93,465.00	\$ 93,465.00	\$93,465.00	\$0.00	\$93,465.00	100.00%	\$0.00	\$4,673.25
33	Concessions + Storage - Fabricated Container Building	1	LS	\$ 109,587.00	\$ 109,587.00	\$109,587.00	\$0.00	\$109,587.00	100.00%	\$0.00	\$5,479.35
34	Shade Structure	1	LS	\$ 27,683.00	\$ 27,683.00	\$27,683.00	\$0.00	\$27,683.00	100.00%	\$0.00	\$1,384.15
35	Shade Structure - Footings & Installation	1	LS	\$ 8,450.00	\$ 8,450.00	\$8,450.00	\$0.00	\$8,450.00	100.00%	\$0.00	\$422.50
Play Features											
35	Play Mounds & Synthetic Turf Surfacing	1	LS	\$ 70,804.00	\$ 70,804.00	\$70,804.00	\$0.00	\$70,804.00	100.00%	\$0.00	\$3,540.20
36	Mushroom Steppers - 8 inch	2	EA	\$ 1,545.00	\$ 3,090.00	\$3,090.00	\$0.00	\$3,090.00	100.00%	\$0.00	\$154.50
37	Mushroom Steppers - 10 inch	3	EA	\$ 1,545.00	\$ 4,635.00	\$4,635.00	\$0.00	\$4,635.00	100.00%	\$0.00	\$231.75
38	Mushroom Steppers - 20 inch	3	EA	\$ 1,905.00	\$ 5,715.00	\$5,715.00	\$0.00	\$5,715.00	100.00%	\$0.00	\$285.75
39	Log Steppers - 8 inch	2	EA	\$ 1,190.00	\$ 2,380.00	\$2,380.00	\$0.00	\$2,380.00	100.00%	\$0.00	\$119.00
40	Log Steppers - 18 inch	2	EA	\$ 1,515.00	\$ 3,030.00	\$3,030.00	\$0.00	\$3,030.00	100.00%	\$0.00	\$151.50
41	Log Steppers - 28 inch	2	EA	\$ 2,130.00	\$ 4,260.00	\$4,260.00	\$0.00	\$4,260.00	100.00%	\$0.00	\$213.00
CO#1 Storm water pipe											
					\$852.50	\$852.50	\$0.00	\$852.50	100.00%	\$0.00	\$42.63
CO#2 saw cut existing sidewalk											
					\$1,054.08	\$1,054.08	\$0.00	\$1,054.08	100.00%	\$0.00	\$52.70
CO#3 insulation and radon											
					\$6,063.40	\$6,063.40	\$0.00	\$6,063.40	100.00%	\$0.00	\$303.17
CO#4 over excavation											
					\$66,903.18	\$66,903.18	\$66,903.18	\$66,903.18	100.00%	\$0.00	\$3,345.16
CO#5 container changes											
					\$5,398.50	\$5,398.50	\$0.00	\$5,398.50	100.00%	\$0.00	\$269.93
CO#6 outlets											
					\$720.00	\$720.00	\$0.00	\$720.00	100.00%	\$0.00	\$36.00
BASE BID TOTAL					\$727,503.66	\$650,023.02	\$ 66,903.18	\$727,503.66		\$ -	\$10,577.46

CONFLUENCE

Oelwein Plaza Park - Change Order #4

TIMELINE

April 18, 2023	Matt Construction uncovers extensive (undocumented) debris/rubble during excavation for container footings – notifies Landscape Architect. Matt Co. indicates debris is not suitable for reuse as backfill/structural fill as it will not pass required compaction tests and provide bearing capacity for container footings.
April 19 & 20	Confluence and Matt Co. confer via telephone and email regarding extent of debris, potential depth of excavation, and possible course of action for mitigating unsuitable soils.
April 20, 2023	Confluence issues ITC #3 providing supplemental instruction to contractor for extent of debris removal and over-excavation, specification and requirements for backfill material and testing.
June 22, 2023	Matt Construction submits Pay Application #3 along with four change orders, including CO#4 for \$131,292.73
June 22	City Administrator requests clarification from Matt Co. on CO#4.
June 23, 2023	City Administrator proposes meeting with Matt Co. and Confluence to discuss. No response from Matt Co.
June 26, 2023	City Administrator and Confluence confer. City Administrator informs council that project team is working on clarifying cost.
June 27, 2023	Matt Co. submits revised CO with ~ \$45,000 reduction due to spreadsheet mathematical error thus \$86,733.37 . <i>Delta = -\$44,559.36</i> <ul style="list-style-type: none"> • Contractor-corrected mathematical error
June 28, 2023	Confluence begins analysis of CO #4 itemized breakdown. Requests Matt Co. remove unrelated costs from CO#4.
July 12, 2023	Matt Co. provides requested supplementary information and another revised CO#4 further reducing total CO cost to \$67,741.85 . <i>Delta = -\$18,991.52 (\$63,550.88)</i> <ul style="list-style-type: none"> • Unit cost revisions • 3% Reduction in OH&P
July 24, 2023	City Administrator presents reduced costs to council.
August 9, 2023	City Administrator and Confluence meet to discuss Confluence working directly with Matt Co. on any final revisions to CO#4 and presenting to council.
Sept. 9, 2023	Confluence completed review of all documentation and met with Matt Co. to review and clarify.
Sept. 15, 2023	Matt Co. submitted final revised CO#4 (\$66,903.17) for Confluence review. <i>Delta = -\$838.68 (-\$64,389.56)</i> <ul style="list-style-type: none"> • Unit cost revisions • Unit type clarifications

KEY POINTS

1. **Unforeseen Conditions.** There were no records of abandoned foundations and fuel storage tanks.
2. **Aggressive Construction Timeline.** Substantial Completion deadline of June 30 to accommodate mid-July Chamber event.
3. **Required Work.** Known or unknown, the unsuitable soils had to be mitigated at a cost to the project which equates to high bid pricing if conditions were known or, in this case, a substantial change order.
4. **Collaborative Team.** Working together with Matt Co. we successfully reduced the total CO#4 cost by \$64,389.56.
5. **Comprehensive Analysis.** Confluence completed a comprehensive analysis of Matt Co.'s quantities and pricing and vetted that internally against other recent project costs and externally with suppliers.

SUMMARY AND RECOMMENDATION

1. The final Change Order #4 is, we believe, an **accurate reflection** of the costs of completing the work necessary to successfully mitigate the unsuitable soils discovered during construction.
2. It is our recommendation that the change order be paid in full as presented.