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June 2, 2020

James Ennis
Assistant Public Works Director
Indian River County Public Works
1801 27th Street
Vero Beach, FL 32960

**Subject: Indian River County
Sector 5 Beach and Dune Restoration Project
Pay Recommendation #5**

Dear James:

This letter regards payment to Rio-Bak Corporation (Rio-Bak) for work associated with construction of the Sector 5 Beach and Dune Restoration Project. Pay Application #5 was submitted by Rio-Bak on May 13, 2020 and the required supporting documentation has been provided throughout construction. In addition, all final punch list items have been completed by the Contractor. An assessment of the quantities and amounts requested for payment is provided herein. This is the final payment application to be processed for this Sector 5 Beach and Dune Restoration Project.

1. Mobilization/Demobilization

Rio-Bak has requested an additional 40 % payment for this line item or \$39,600.00. Rio-Bak previously requested a total of 60% of this line item or \$59,400.00 which was accounted for on pay applications 1 - 4.

Per Technical Provision TP-34.2, "Sixty percent (60%) of the lump sum price will be paid to the CONTRACTOR after the placement of a quantity of, at minimum five-thousand (7,500) tons of material on the beach and placed within the beach fill template for a minimum of four (4) days. The remaining forty percent (40%) will be included in the final payment for work under this contract." The work has been completed and deemed substantially complete by the County and the Engineer. In addition, all final punch list items have been completed. Therefore, Rio-Bak is eligible for the 40% mobilization/demobilization payment as described in TP-34.2.

Payment for 40% of this line item in the amount of \$39,600.00 is recommended as requested by Rio-Bak. In addition, a release of retainage for this item is recommended.

2. Environmental Compliance

Rio-Bak has completed and requested payment for 100% of this line item. A release of remaining retainage on this line item is recommended.



3. Supply, Deliver, and Place Sand

Rio-Bak has completed and requested payment for all sand placed during construction. A release of remaining retainage of this line item is recommended.

4. Supply, Deliver, & Place Dune Vegetation

Rio-Bak has requested additional payment for the installation of 87,191.25 plants in the amount of \$116,836.28. Rio-Bak previously requested payment for the supply, delivery, and placement of 33,558.75 (each) Dune Vegetation plantings in the amount of \$44,968.73, which was accounted for in Pay Recommendation #2.

Per Technical Provision TP-37.2, "To be eligible for payment, the CONTRACTOR shall document planting dates, quantities supplied, quantities installed, species type, and survival rates. The planting shall achieve a 100% survival rate after the fourteen (14) day maintenance period and 80% planting survival rate after the 90-day warranty period from the date of initial planting. 75% of the unit price for Supply/Deliver/Place Dune Vegetation shall be paid upon successful demonstration of the survival rate after the maintenance period. The remaining 25% shall be paid with the successful demonstration of the survival rate after the warranty period."

In addition, TP-37.3 states that "The CONTRACTOR will be eligible for the initial progress payment when a minimum of five (5) acceptance sections have been completed and approved by the ENGINEER."

A payment in the amount of \$116,836.28 for dune vegetative plantings is recommended at this time. The remaining twenty-five percent withheld from the requested pay application is included in this payment recommendation as the 90 day guarantee period has expired.

5. Site Restoration & Grading

Rio-Bak has requested payment for 100% of the site restoration & grading line item in the amount of \$67,000.00.

Technical Provision TP-38 states that "Payment for mobilization, demobilization, labor, materials, equipment, fuel, oil, and all other appropriate costs in connection with site restoration, including tilling and scarp leveling of the restored beach, shall be included in the lump sum price for Site Restoration & Grading. No partial payments will be made for this work. Acceptance of the work shall be determined by visual inspection performed by the ENGINEER or COUNTY." The work has been completed and accepted by the County. Rio-Bak is therefore eligible for payment under this line item.

A payment of \$67,000.00 is recommended for this line item.



6. Pre-Placement & Post-Placement Survey

Rio-Bak has previously requested payment for 100% of this line item. A release of remaining retainage for this line item is recommended at this time.

7. Mobilization/Demobilization Post Dorian

Rio-Bak has requested an additional payment for 40% this line item in the amount of \$11,108.81. Rio-Bak previously requested 60% of the Post Dorian Mobilization/Demobilization cost in the amount of \$16,663.21.

Per Technical Provision TP-34.2, "Sixty percent (60%) of the lump sum price will be paid to the CONTRACTOR after the placement of a quantity of, at minimum five-thousand (7,500) tons of material on the beach and placed within the beach fill template for a minimum of four (4) days. The remaining forty percent (40%) will be included in the final payment for work under this contract." The work has been completed and deemed substantially complete by the County and the Engineer. In addition, all final punch list items have been completed. Therefore, Rio-Bak is eligible for the 40% mobilization/demobilization payment as described in TP-34.2.

Payment for 40% of this line item in the amount of \$11,108.81 is recommended as requested by Rio-Bak. In addition, a release of retainage for this item is recommended.

8. Environmental Compliance Post Dorian

Rio-Bak previously requested payment for 100% of this line item. Release of retainage on this line item is recommended at this time.

9. Supply, Deliver, & Place Sand Post Dorian

Rio-Bak previously requested payment for 100% of this line item. Release of retainage on this line item is recommended at this time.

10. Work Change Directive 001 & Change Order 002 Items

Rio-Bak has requested payment for 100% of Work Change Directive 001 included in Change Order 002 in the amount of \$13,440.00. All work required under the work change directive has been completed. Therefore, Rio-Bak is eligible for payment of 100% of this item.

A payment in the amount of 13,440.00 is recommended.



11. Payment Summary & Final Recommendation

Item	Description	Contract				Recommended Payment	
		Unit Price	Unit	Quantity	Amount	Quantity	Amount
Base Bid						Pay Application No. 5	
1	Mobilization/Demobilization	\$99,000.00	LS	1	\$99,000.00	0.40	\$39,600.00
2	Environmental Compliance	\$19,000.00	LS	1	\$19,000.00	0.00	\$0.00
3	Supply/Deliver/Place Sand	\$21.60	TN	185,700	\$4,011,120.00	0.00	\$0.00
4	Supply/Deliver/Place Dune Vegetation	\$1.34	EA	128,800	\$172,592.00	87,191.25	\$116,836.28
5	Site Restoration and Grading	\$67,000.00	LS	1	\$67,000.00	1.00	\$67,000.00
6	Pre-Placement & Post Placement Surveys	\$143,000.00	LS	1	\$143,000.00	0.00	\$0.00
Change Order 001							
1A	Mobilization/Demobilization Post-Dorian	\$27,772.02	LS	1	\$27,772.02	0.40	\$11,108.81
2A	Environmental Compliance Post-Dorian	\$8,310.00	LS	1	\$8,310.00	0.00	\$0.00
3A	Supply/Deliver/Place Sand Post-Dorian	\$22.18	TN	83,100	\$1,843,158.00	0.00	\$0.00
Change Order 002							
3B	Supply/Deliver/Place Sand	\$21.60	TN	-19,536.3	(\$421,984.08)	0.00	0
4B	Supply/Deliver/Place Dune Vegetation	\$1.34	EA	-8,050	(\$10,787.00)	0.00	0
	Work Change Directive 001 Items	\$13,440.00	LS	1	\$13,440.00	1.00	\$13,440.00

Total Complete this Period:	\$247,985.09
Total Retainage this Period:	0.00
Release of Retainage From Previous Periods:	<u>\$286,181.79</u>
Total Amount Due this Period:	\$534,166.88
Work Performed Through:	25-May-20
Total Completed to Date:	\$5,971,620.94
Total Retainage to Date:	<u>\$0.00</u>
Total Amount due to Date:	\$5,971,620.94
 Total Outstanding:	 \$0.00

The total recommended payment for Pay Application #5 is **\$534,166.88**. This includes the release of **\$286,181.79** in previously withheld retainage. Rio-Bak's Payment Application documents are attached. This is the final payment application to be processed for the Sector 5 Beach and Dune Restoration Project.

Please feel free to contact us for additional information or clarification.

Sincerely,

Christopher Paul, P.E.
 Project Manager
 Aptim Environmental & Infrastructure, LLC

cc: Jill Williams (IRC)
 Quintin Bergman (IRC)
 Eric Charest (IRC)
 Tom Pierro (CPE)

1SECTION 00622 - Contractor's Application for Payment Sector 5 Beach and Dune Restoration Project

Application for Payment No. 1923-5

For Work Accomplished through the period of 3/01/20 through 5/25/20

To: Indian River County (OWNER)
 From: RIO-BAK CORPORATION(CONTRACTOR)
 Bid No.: 2019066
 Project No.: IRC-1923

1) Attach detailed schedule and copies of all paid invoices.

1.	Original Contract Price:	\$4,511,712.00
2.	Net change by Change Orders and Written Amendments (+ or -):	\$1,459,908.94
3.	Current Contract Price (1 plus 2):	\$5,971,620.94
4.	Total completed and stored to date:	\$5,971,620.94
5.	Retainage (per Agreement):	
	93% of completed Work:	
	0% of retainage:	\$
	Total Retainage:	\$0
6.	Total completed and stored to date less retainage (4 minus 5):	\$5,971,620.94
7.	Less previous Application for Payments:	\$5,437,454.06
8.	DUE THIS APPLICATION (6 MINUS 7):	\$534,166.88

CONTRACTOR'S CERTIFICATION:

UNDER PENALTY OF PERJURY, the undersigned CONTRACTOR certifies that (1) the labor and materials listed on this request for payment have been used in the construction of this Work; (2) payment received from the last pay request has been used to make payments to all subcontractors, laborers, materialmen and suppliers except as listed on Attachment A, below; (3) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); (4) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective; and (5) If this Periodic Estimate is for a Final Payment to project or improvement, I further certify that all persons doing work upon or furnishing materials or supplies for this project or improvement under this foregoing contract have been paid in full, and that all taxes imposed by Chapter 212 Florida Statutes, (Sales and Use Tax Act, as Amended) have been paid and discharged, and that I have no claims against the OWNER.

Attached to or submitted with this form are:

1. Signed release of lien forms (partial or final as applicable) from all subcontractors, laborers, materialmen and suppliers except as listed on Attachment A, together with an explanation as to why any release of lien form is not included;

2. Updated Construction Schedule per Specification Section 01310.

Dated 4/20/2020

By: David E. Haas
(CONTRACTOR - must be signed by an Officer of the Corporation)

DAVID HAAS CORP. SEC.
Print Name and Title

STATE OF FLORIDA
COUNTY OF INDIAN RIVER

Before me, a Notary Public, duly commissioned, qualified, and acting, personally appeared David E. Haas, who being by me first duly sworn upon oath, says that he/she is the Corp. Sec. of the CONTRACTOR mentioned above and that he/she has been duly authorized to act on behalf of it, and that he/she executed the above Contractor's Application for Payment and Contractor's Certification statement on behalf of said CONTRACTOR; and that all of the statements contained herein are true, correct, and complete. Subscribed and sworn to before me this 20th day of April, 2020.

David E. Haas is personally known to me or has produced _____ as identification.

(SEAL)



NOTARY PUBLIC: Stacie Jo Rimes

Printed name: Stacie Jo Rimes

Commission No.: _____

Commission Expiration: _____

Please remit payment to:

Contractor's Name: RIO-BAK CORPORATION

Address: 12773 W. FOREST HILL BLVD. SUITE 210

WELLINGTON, FL 33414

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Payment No. 1923-5

SURETY'S CONSENT OF PAYMENT TO CONTRACTOR:

The Surety, North American Specialty Insurance Company
1200 Main Street, Suite 800
Kansas City, MO 64105, a
corporation, in accordance with Public Construction Bond Number 2281122, hereby
consents to payment by the OWNER to the CONTRACTOR for the amounts specified in
this CONTRACTOR'S APPLICATION FOR PAYMENT.

TO BE EXECUTED BY CORPORATE SURETY:

Attest:

Kamoni Cordova
Secretary

North American Specialty Insurance Company
Corporate Surety
1200 Main Street, Suite 800
Kansas City, MO 64105
(913)676-5200
Business Address

BY: Brett A Ragland
Print Name: Brett A. Ragland
Title: Attorney-In-Fact and Florida Licensed Resident Agent

(Affix Corporate SEAL)

STATE OF FLORIDA
COUNTY OF INDIAN RIVER

Before me, a Notary Public, duly commissioned, qualified, and acting, personally appeared
Brett A. Ragland, to me well known or who produced
personally known as identification, who being by me first duly sworn
upon oath, says that he/she is the Attorney-In-Fact for
North American Specialty Insurance Company and that he/she has been authorized by North American Specialty Insurance Company it to approve payment
by the OWNER to the CONTRACTOR of the foregoing Contractor's Application for
Payment. Subscribed and sworn to before me this 17th day of
April, 2020.



Laura Krajczewski Lonsky
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG301470
Expires 2/13/2023

Laura Krajczewski Lonsky
Notary Public, State of Florida
My Commission Expires: 2/13/2023

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CERTIFICATION OF ENGINEER:

I certify that I have reviewed the above and foregoing Periodic Estimate for Partial Payment; that to the best of my knowledge and belief it appears to be a reasonably accurate statement of the work performed and/or material supplied by the Contractor. I am not certifying as to whether or not the Contractor has paid all subcontractors, laborers, materialmen and suppliers because I am not in a position to accurately determine that issue.

Dated 6/3/20


SIGNATURE

CERTIFICATION OF INSPECTOR:

I have checked the estimate against the Contractor's Schedule of Amounts for Contract Payments and the notes and reports of my inspections of the project. To the best of my knowledge, this statement of work performed and/or materials supplied appears to be reasonably accurate, that the Contractor appears to be observing the requirements of the Contract with respect to construction, and that the Contractor should be paid the amount requested above, unless otherwise noted by me. I am not certifying as to whether or not the Contractor has paid all subcontractors, laborers, materialmen and suppliers because I am not in a position to accurately determine that issue.

Dated _____

SIGNATURE

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**I2R3 C PROJECT NO. IRC-19
SECTOR 5 - BEACH AND DUNE RESTORATION
PROJECT
PAY APP NO. 1923-5**

Item No.	Description	UNIT	QTY	SCHEDULED VALUE		PREVIOUS APPLICATION		THIS PERIOD		TOTAL COMPLETED		%	MATERIALS STORED	BALANCE TO FINISH	
				Unit Price	Amount	QUANTITY	Amount	QUANTITY	Amount	QUANTITY	Amount			QUANTITY	Amount
1	MOBILIZATION/DEMOBILIZATION	LS	1	99,000.00	99,000.00	0.60	59,400.00	0.00	39,600.00	1.00	99,000.00	100.00%	0.00	0.00	0.00
2	ENVIRONMENTAL COMPLIANCE	LS	1	19,000.00	19,000.00	1.00	19,000.00	0.00	0.00	1.00	19,000.00	100.00%	0.00	0.00	0.00
3	SUPPLY/DELIVER/PLACE SAND	TN	185,700	21.60	4,011,120.00	166,163.70	3,589,135.92	0.00	0.00	166,163.70	3,589,135.92	89.8%	0.00	19,536.30	421,984.08
4	SUPPLY/DELIVER/PLACE DUNE VEGETATION	EA	128,800	1.34	172,592.00	33,558.75	,968.72	87,191.25	116,836.28	120,750.00	161,805.00	93.75%	0.00	8,050.00	10,787.00
5	SITE RESTORATION & GRADING	LS	1	67,000.00	67,000.00		0.00	1.00	67,000.00	1.00	67,000.00	100.00%	0.00	0.00	0.00
6	PRE-PLACEMENT & POST-PLACEMENT SURVEYS	LS	1	143,000.00	143,000.00	1.00	143,000.00	0.00	0.00	1.00	143,000.00	100.00%	0.00	0.00	0.00
MISCELLANEOUS		SUB TOTAL			4,511,712.00		3,855,504.64		223,436.28		4,078,940.92		0.00		432,771.08
CHANGE ORDER 1	1A - MOBILIZATION/DEMOBILIZATION	LS	1	27,772.02	27,772.02	0.60	16,663.21	0.00	11,108.81	1.00	27,772.02	100.00%	0.00	0.00	0.00
CHANGE ORDER 1	2A - ENVIRONMENTAL COMPLIANCE	LS	1	8,310.00	8,310.00	1.00	8,310.00	0.00	0.00	1.00	8,310.00	100.00%	0.00	0.00	0.00
CHANGE ORDER 1	3A - SUPPLY/DELIVER/PLACE SAND	TON	83,100	22.18	1,843,158.00	83,100.00	1,843,158.00	0.00	0.00	83,100.00	1,843,158.00	100.00%	0.00	0.00	0.00
CHANGE ORDER 2	3B- SUPPLY/DELIVER/PLACE SAND	TON	-19,536	21.60	- 21,984.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	0.00	-19,536.30	- 21,984.08
CHANGE ORDER 2	4B- SUPPLY/DELIVER/PLACE DUNE RESTORATION	EA	-8,050	1.34	-10,787.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	0.00	-8,050.00	-10,787.00
CHANGE ORDER 2	WORK DIRECTIVE 001 ITEMS	LS	1	13,440.00	13,440.00	0.00	0.00	1.00	13,440.00	1.00	13,440.00	100.00%	0.00	0.00	0.00
CHANGE ORDERS		SUB TOTAL			1,459,908.94		1,868,131.21		24,548.81		1,892,680.02		0.00		-432,771.08
SECTOR 5 - BEACH AND DUNE RESTORATION PROJECT				TOTAL	5,971,620.94	TOTAL	5,723,635.85	TOTAL	247,985.09	TOTAL	5,971,620.94	TOTAL	0.00	TOTAL	0.00
												AMOUNT COMPLETED TO DATE	\$5,971,620.94		
												MATERIALS STORED TO DATE	\$0.00		
												SUB-TOTAL MATERIALS STORED AND COMPLETE TO DATE	\$5,971,620.94		
												RETAINAGE OF WORK COMPLETED AT 0%	\$0.00		
												TOTAL COMPLETED AND STORED LESS RETAINAGE	\$5,971,620.94		
												LESS PREVIOUS PAYMENT	\$5,437,454.06		
												AMOUNT DUE CONTRACTOR	\$534,166.88		