

Memorandum:

Recommendation for Termination of Contract #23310 –
Meadow Heights Concrete Panel Replacement Street
Repair

Exhibit 6:

Official Letters Issued to Contractor



7 August 2025

Mr. Tyler Ellis
Ellis Concrete and Construction LLC
19675 Ferguson RD
Okmulgee, OK 74447

RE: LETTER #03, CONTRACT # ST23300 and ST23310
CONTRACT NAME: CONCRETE PANEL REPLACEMENT STREET REPAIR – BRENTWOOD and CONCRETE PANEL REPLACEMENT STREET REPAIR – MEADOW HEIGHTS
SUBJECT: CONSTRUCTION PROGRESS LETTER #1

Mr. Ellis:

This letter is to provide follow up on the meeting held 5 August 2025 between the City of Broken Arrow and Ellis Concrete Construction LLC at Meadow Heights to discuss the contracts referenced above. During this meeting, the following items were discussed: subgrade, aggregate base, separator fabric, measurements, center form boards, setting form boards on end of pour, expansion joints, vibration of concrete, and inlets. A brief summary of each discussion and the resolution/clarification thereon are outlined below:

- (1) **Subgrade:** The 5 August 2025 discussion involved the compaction and suitability of the subgrade on site. Further discussion took place via telephone on 6 August 2025. The resolution of these discussions was to follow SP 32.4.2 for subgrade method B. This requires compaction at 95% standard or modified proctor density and the moisture content to be within 2% of optimum. For further clarification, if the subgrade still fails, then SP 45.4.3 and SP 45.4.4 will be followed to bring in suitable material for the subgrade. This SP also includes bridging as approved by the Contract Administrator.
- (2) **Aggregate Base:** The 5 August 2025 discussion involved the issue of measurement. As clarified at that time, the extra rock installed by Ellis Concrete needs to be approved by the Contract Administrator for the respective project, or the Construction Division Manager before installation past the detail quantity on the miscellaneous details sheet (1 of 3). If prior approval has not been attained on the quantity measured will be paid per SP 34.5.
- (3) **Separator Fabric:** This issue had been previously discussed on 1 August 2025. It was agreed during the 5 August 2025 discussion that the City of Broken Arrow and Ellis Concrete Construction, LLC would measure using 50 inches at the curb.
- (4) **Measurements:** At the 5 August 2025 discussion, the City of Broken Arrow and Ellis Concrete Construction, LLC agreed to measure on site together with both Contract Administrators from the City of Broken Arrow and a representative from Ellis Concrete Construction, LLC would meet in the field and measure all installed material for the next Pay Application.
- (5) **Center Form Boards:** The 5 August 2025 discussion involved adding rock between the new pour and the existing panels that will be coming out later. The City of Broken arrow would prefer for Ellis Concrete



Construction to keep rock in-between the new pour and the existing panel to ensure vehicles will be able to drive across to get to their destinations.

- (6) Setting Form Boards on the End of the Pour: During the 5 August 2025 discussion the City of Broken Arrow asked why a form board was not used at the end of a pour. Ellis Concrete Construction stated this is their method to end a pour. The City of Broken Arrow cautions that cutting this out at the end of a pour may cause additional damage to the new pour when the extra concrete is saw cut and broken out.
- (7) Expansion Joints: During the 5 August 2025 discussion, the City of Broken Arrow and Ellis Concrete Construction agreed expansion joints were not in the project but that, per SP9.5.6.5, saw cut construction joints are required.
- (8) Vibration of Concrete: The discussion on 5 August 2025 regarding vibration of concrete needs clarification. The clarification is that all concrete will be "compacted by vibration or continuous tamping, spading or slicing...all concrete shall be thoroughly vibrated, except where specifically exempt in the specifications." per SP 9.5.6.2. The ACI 309R-96 states that concrete must be consolidated if it is to have the properties normally desired and expected of concrete. Ellis Concrete Construction, LLC stated that they are spading and tamping the concrete as it is being placed satisfying the SP and ACI specifications.
- (9) Inlets: The 5 August 2025 discussion resulted in the agreement on the delivered inlets and how to mortar the grates onto the new inlet boxes. The Engineer of record has provided a detail and explanation on what would be needed to install the inlet, grates and hoods.

Lastly, as a reminder, based on the additional time requested and was awarded an additional 87 calendar days and 30 calendar days to above contracts, the revised completion dates are 12 September 2025 and 9 October 2025 for Brentwood and Meadow Heights respectively.

If you have any questions concerning these matters or believe something herein is not accurately captured and summarized, please do not hesitate to contact myself or Mr. Charlie Bright, PE, Director of Engineering and Construction Department – City of Broken Arrow.

Respectfully,

CITY OF BROKEN ARROW

Nathanael T. Kohl, PE, CFM

Construction Division Manager



August 18, 2025

Mr. Tyler Ellis,
Ellis Concrete Construction, LLC.
19675 Ferguson Road
Okmulgee, OK 74447

RE: LETTER #04, CONTRACT# ST23310

CONTRACT NAME: CONCRETE PANEL REPLACEMENT STREET REPAIR – MEADOW HEIGHTS
SUBJECT: CONTRACTOR DENIAL OF CONTRACT TERMS/ REJECTED WORK

Dear Mr. Ellis

Ellis Construction Concrete, LLC (Contractor) agreed to the terms of the Contract for the project listed above. The Contractor has failed to operate within the terms outlined in the Contract. The City has provided a written and verbal explanation of the terms related to Basis of Payment for line items associated with this project, however, the Contractor continually denies acceptance of these terms. This continues to delay the Work and affect the public.

Regardless of outstanding quantity disputes or disputes over what operations are incidental to the pay line items, the Contractor shall proceed, without delay, to perform the Work in conformance with the instructions or decisions of the Contract Administrator for this project. Please refer to section 14.0 of the Contract for additional details related to Contractor's Right of Protest. Affected citizens have not been able to access their driveways for several weeks and in some cases are not receiving mail. The Contract Administrator sent directions to commence work and stressed the need to get excavated roadway put back on at least 5 different occasions since July 31st, 2025. If Ellis Construction Concrete, LLC does not commence work in the areas which are affecting public access within 24 hours the City will provide written notice of Breach of Contract. Contractor shall coordinate with Contract Administrator if there is any confusion regarding which areas need to be addressed immediately.

Refer to Section 13.0 of the Contract for terms and conditions related to the City's Right to Terminate the Contract.

In addition, Contractor has several installations which do not meet City Standard of Construction Specifications, have failed, or were rejected by Contract Administrator due to plan compliance or quality issues. Contractor shall coordinate with Contract Administrator to identify all rejected Work associated with the project. After paving has been completed in the areas which are causing public access issues, rejected Work shall be addressed before any additional existing paving areas are removed for replacement. In many, but not all cases, the Contractor has already been paid for these installations and shall make every effort to address these outstanding issues in a timely manner before continuing with the Contract work as agreed upon and outlined in the plans.

Respectfully,
City of Broken Arrow

Blake Edwards

Blake Edwards
Construction Project Engineer

Witness(es):

Charlie Bright

Charlie Bright, PE
Director of Engineering & Construction

Travis Small

Travis Small, PE
Transportation Division Manager



August 20, 2025

Mr. Tyler Ellis,
Ellis Concrete Construction, LLC.
19675 Ferguson Road
Okmulgee, OK 74447

RE: LETTER #05, CONTRACT# ST23310
CONTRACT NAME: CONCRETE PANEL REPLACEMENT STREET REPAIR – MEADOW HEIGHTS
SUBJECT: SUSPENSION OF WORK

Dear Mr. Ellis

Please let this letter serve as an official Stop Work Notice for all work and operations associated with the above-mentioned project. Work is being suspended upon issuance of this letter to evaluate the deficiency of the project and the contractors' performance in relation to contract requirements. No onsite or offsite work shall be performed in conjunction with this contract. No contractor personnel shall be allowed onsite until further notification by the City.

Associated with this stop work notice, upon issuance of this letter, all project-related onsite materials and equipment shall be retained by the City until further notice. All traffic control devices should be left in place for the safety of the public. Formal written request for retrieval of contractor owned resources and equipment shall be submitted to the City of Broken Arrow Engineering & Construction department. These requests will be reviewed and considered.

Refer to section 12.0 of the contract.

12.0 SUSPENSION OF WORK ON NOTICE

12.1. The Contractor shall delay or suspend the progress of the Work or any part thereof, whenever the Contractor is required by written order of the City or Contract Administrator and for such periods of time as determined by the City. Any such order shall not modify or invalidate in any way the provisions of this Contract.

Respectfully,
City of Broken Arrow

Charlie Bright, PE
Director of Engineering & Construction