

# VISION 2025 CITY OF BROKEN ARROW

STONE CREEK HOSPITALITY CORPORATION, LLC  
HOTEL AND CONFERENCE CENTER  
EARTH CHANGE ONLY PROJECT  
SC-15001

TRI-STAR CONSTRUCTION, LLC  
PAY REQUEST NO. 5  
DECEMBER 11, 2015

Prepared By:

**COWAN GROUP ENGINEERING, LLC**

5416 S. YALE, SUITE 210  
TULSA, OKLAHOMA 74135  
918.949.6171 (O)  
918.949.6174 (F)  
CA NO. 6414 EXP. 06/30/16



**STATEMENT OF CONTRACTOR TO OWNER AND ESCROWEE**

Draw Request No. 5 for Payment under Attorneys' Title Guaranty Fund, Inc.

**Project:** STONEY CREEK HOTEL & CONFERENCE CENTER BROKEN ARROW

**Owner(s):** STONEY CREEK INVESTORS of BROKEN ARROW, LLC

**Contractor:** STONEY CREEK HOSPITALITY / SCI BUILDERS INC

Covers period from 1/1/2015 to \_\_\_\_\_

The undersigned JAMES H. THOMPSON

certifies that he is PRESIDENT/OWNER

(Nature of interest in or position with contracting company)

of STONEY CREEK HOSPITALITY / SCI BUILDERS INC

under Contract with STONEY CREEK INVESTORS of BROKEN ARROW, LLC

Owner(s), for GENERAL CONSTRUCTION

That, for the purpose of this work, the following orders have been placed and the following parties contracted with, and these are the only parties who have been contracted with and/or who have furnished materials or provided labor under the aforementioned Contract for said project: That the amounts of such orders or contracts are as stated below and that there are due and to become due these parties respectively the amounts set opposite their names for materials or labor or both, and the undersigned warrants that the amounts due these parties respectively (see Column No. 6) represents materials and/or labor incorporated into the project at this date:

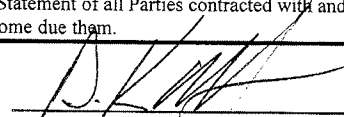
| 1                            | 2                    | 3             | 4             | 5             | 6                  | 7                          |
|------------------------------|----------------------|---------------|---------------|---------------|--------------------|----------------------------|
| CONTRACTOR<br>WORK/MATERIALS | CONTRACTED<br>BUDGET | <u>DRAW 4</u> | <u>DRAW 5</u> | <u>DRAW 6</u> | <u>Total Drawn</u> | <u>Total<br/>Remaining</u> |
| <b>CONSTRUCTION COSTS</b>    |                      |               |               |               |                    |                            |
| <b>201- SITEWORK</b>         |                      |               |               |               |                    |                            |
| <b>GRADING/DIRT WORK</b>     |                      |               |               |               |                    |                            |
| Tri-Star Construction LLC    | 1,815,033.50         | 307,856.76    | 51,337.41     |               | 2,025,086.47       | (210,052.97)               |
|                              |                      |               |               |               |                    |                            |
| <b>SITE UTILITIES</b>        |                      |               |               |               |                    |                            |
|                              |                      |               |               |               |                    |                            |
|                              |                      |               |               |               |                    |                            |
| <b>PARKING LOT-ASPHALT</b>   |                      |               |               |               |                    |                            |
|                              |                      |               |               |               |                    |                            |
|                              |                      |               |               |               |                    |                            |
| <b>SITE EXTRAS</b>           |                      |               |               |               |                    |                            |
|                              |                      |               |               |               |                    |                            |
|                              |                      |               |               |               |                    |                            |

| CONTRACTOR<br>WORK/MATERIALS | CONTRACTED<br>BUDGET | <u>DRAW 4</u> | <u>DRAW 5</u> | <u>DRAW 6</u> | <u>Total Drawn</u> | <u>Total<br/>Remaining</u> |
|------------------------------|----------------------|---------------|---------------|---------------|--------------------|----------------------------|
|------------------------------|----------------------|---------------|---------------|---------------|--------------------|----------------------------|

|                           |  |  |  |  |  |  |
|---------------------------|--|--|--|--|--|--|
| <b>201-CONCRETE</b>       |  |  |  |  |  |  |
| <b>FOUNDATIONS</b>        |  |  |  |  |  |  |
|                           |  |  |  |  |  |  |
|                           |  |  |  |  |  |  |
| <b>FLATWORK</b>           |  |  |  |  |  |  |
|                           |  |  |  |  |  |  |
|                           |  |  |  |  |  |  |
| <b>CURB &amp; GUTTER</b>  |  |  |  |  |  |  |
|                           |  |  |  |  |  |  |
|                           |  |  |  |  |  |  |
| <b>SIDEWALKS</b>          |  |  |  |  |  |  |
|                           |  |  |  |  |  |  |
|                           |  |  |  |  |  |  |
| <b>210-MATERIALS</b>      |  |  |  |  |  |  |
| <b>CONF CENTER-STEEL</b>  |  |  |  |  |  |  |
|                           |  |  |  |  |  |  |
|                           |  |  |  |  |  |  |
| <b>214-STRUCTURAL</b>     |  |  |  |  |  |  |
|                           |  |  |  |  |  |  |
|                           |  |  |  |  |  |  |
|                           |  |  |  |  |  |  |
| <b>215-MECHANICAL</b>     |  |  |  |  |  |  |
|                           |  |  |  |  |  |  |
|                           |  |  |  |  |  |  |
|                           |  |  |  |  |  |  |
|                           |  |  |  |  |  |  |
|                           |  |  |  |  |  |  |
| <b>216-ELECTRICAL</b>     |  |  |  |  |  |  |
| <b>PARKING LOT-LIGHTS</b> |  |  |  |  |  |  |
|                           |  |  |  |  |  |  |
|                           |  |  |  |  |  |  |

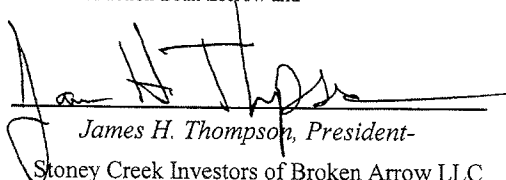
| CONTRACTOR WORK/MATERIALS         | CONTRACTED BUDGET | DRAW 4     | DRAW 5    | DRAW 6 | Total Drawn  | Total Remaining |
|-----------------------------------|-------------------|------------|-----------|--------|--------------|-----------------|
| EXTERIOR SIGNAGE                  |                   |            |           |        |              |                 |
|                                   |                   |            |           |        |              |                 |
| CONF CTR-TECHNOLOGY               |                   |            |           |        |              |                 |
|                                   |                   |            |           |        |              |                 |
| 217-LANDSCAPING                   |                   |            |           |        |              |                 |
|                                   |                   |            |           |        |              |                 |
|                                   |                   |            |           |        |              |                 |
|                                   |                   |            |           |        |              |                 |
|                                   |                   |            |           |        |              |                 |
|                                   |                   |            |           |        |              |                 |
|                                   |                   |            |           |        |              |                 |
|                                   |                   |            |           |        |              |                 |
|                                   |                   |            |           |        |              |                 |
| <b>TOTAL - CONSTRUCTION COSTS</b> | 1,815,033.50      | 307,856.76 | 51,337.41 |        | 2,025,086.47 | (210,052.97)    |
|                                   |                   |            |           |        |              |                 |
| <b>TOTAL:</b>                     | 1,815,033.50      | 307,856.76 | 51,337.41 |        | 2,025,086.47 | (210,052.97)    |
| <b>DATE:</b>                      |                   | 11/24/15   | 12/30/15  |        |              |                 |

The undersigned certifies further that this statement is made to Escrow and to said Owner for the purpose of procuring from same payment in accordance with the terms of said Contract and the ATTORNEYS' TITLE GUARANTY FUND, INC. Construction Loan Escrow and Disbursing Agreement, and is a True and Complete Statement of all Parties contracted with and of all Parties furnishing labor and/or materials, and of all amounts paid, due and to become due them.

Signed this 30th day of December 2015. By:   
 D. Kevin McCarty, Executive VP / CDO  
 Stoney Creek Hospitality

**OWNER'S APPROVAL OF REQUESTED DISBURSEMENT**

The undersigned Owner(s), or his designated architect or inspector, certifies that he has inspected the progress of the construction and that the work covered by this Request for Payment has been completed and the materials put in place in accordance with the plans, specifications and Construction Contract, that all amounts shown herein as due and owing to the named subcontractors and that he hereby approves the requested disbursement under the terms of Construction Loan Escrow and Disbursing Agreement No. \_\_\_\_\_.

Signed this 30th day of December 2015. By:   
 James H. Thompson, President-  
 Stoney Creek Investors of Broken Arrow LLC

# APPLICATION AND CERTIFICATE FOR PAYMENT

PROJECT: Stoney Creek (SC-15001)  
 OWNER: Stoney Creek Hospitality Corp., LLC  
 COMMUNITY: Broken Arrow, OK

ENGINEER: Cowan Group Engineering, LLC  
 CONTRACTOR: Tri-Star Construction, LLC  
 APPLICATION DATE: 12/8/2015 APPLICATION NO: SC-15001-05  
 PERIOD FROM: 11/2/2015 TO: 11/30/2015

**CHANGE ORDER SUMMARY**

**CHANGE ORDERS APPROVED IN PREVIOUS MONTHS BY OWNER**

| CHANGE ORDER NUMBER | APPROVED DATE | ADDITION \$   | DEDUCTION \$ |
|---------------------|---------------|---------------|--------------|
| 1                   | 11/20/2015    | \$ 580,000.00 |              |
| 2                   | 11/20/2015    | \$ 72,649.04  |              |
| Subtotals           |               | \$ 652,649.04 | \$ -         |

Net change by Change Orders: \$ 652,649.04

Application is made for Payment, as shown below, in connection with Contract. The present status of the account for this Contract is as follows:

|  |                 |
|--|-----------------|
| ORIGINAL CONTRACT SUM                  | \$ 1,815,033.50 |
| NET CHANGE BY CHANGE ORDERS            | \$ 652,649.04   |
| CONTRACT SUM TO DATE                   | \$ 2,467,682.54 |
| TOTAL WORK COMPLETED TO DATE           | \$ 2,131,969.97 |
| RETAINAGE <u>5</u> %                   | \$ 106,583.50   |
| TOTAL EARNED LESS RETAINAGE            | \$ 2,025,086.47 |
| LESS PREVIOUS CERTIFICATES FOR PAYMENT | \$ 1,973,749.06 |
| CURRENT PAYMENT DUE                    | \$ 51,337.41    |

The undersigned Contractor certifies that the work covered by the Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by himfor work for which previous Certificates for Payment were issued and paymentst received from the Owner, and that the current payment shown herein is now due.

**CONTRACTOR:**

By: [Signature] Date: 12/11/15

In accordance with the Contract Documents, based upon on-site observations and the data comprising the above application, the Engineer certifies to the Owner that to the best of the Engineer's knowledge, information and belief the Work has progressed as indicated, the quality of Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED \$ 51,337.41.

**INSPECTOR:**

[Signature]  
 Signature 12/11/15  
 Date

**PROJECT MANAGER:**

[Signature]  
 Signature 12-11-15  
 Date

**OWNER:**

[Signature]  
 Signature 12-30-15  
 Date

| A<br>Item No.   | B<br>Description of Item                   | C<br>SCHEDULED VALUE (EXTENSION) | D<br>FROM PREVIOUS APPLICATION (D+E) | E<br>THIS PERIOD | F<br>MATERIALS PRESENTLY STORED (NOT IN D or E) | G<br>TOTAL COMPLETED AND STORED TO DATE (D+E+F) | H<br>PERCENT COMPLETE % (G/C) | I<br>BALANCE TO FINISH (C-G) |
|-----------------|--|----------------------------------|--------------------------------------|------------------|---|---|-------------------------------|------------------------------|
|                 |  |                                  |                                      |                  |   |   |                               |                              |
| <b>BASE BID</b> |  |                                  |                                      |                  |   |   |                               |                              |
| 1               | Clearing and Grubbing                      | \$ 50,000.00                     | \$47,500.00                          | \$2,500.00       | \$0.00  | \$50,000.00                                     | 100.0%                        | \$0.00                       |
| 2               | Unclassified Excavation, Hauled Off-Site   | \$ 977,900.00                    | \$647,174.55                         | \$0.00           | \$0.00  | \$647,174.55                                    |                               | \$330,725.45                 |
| 3               | Unclassified Excavation, Placed On-Site    | \$ 145,500.00                    | \$167,747.08                         | \$0.00           | \$0.00  | \$167,747.08                                    |                               | (\$22,247.08)                |
| 4               | Rock Excavation                            | \$ 153,000.00                    | \$916,109.96                         | \$0.00           | \$0.00  | \$916,109.96                                    |                               | (\$763,109.96)               |
| 5               | Type A Salvage Topsoil                     | \$ 25,000.00                     | \$21,250.00                          | \$0.00           | \$0.00  | \$21,250.00                                     |                               | \$3,750.00                   |
| 6               | Temporary Silt Fence                       | \$ 4,710.00                      | \$4,710.00                           | \$0.00           | \$0.00  | \$4,710.00                                      |                               | \$0.00                       |
| 7               | Temporary Inlet Barrier                    | \$ 800.00                        | \$200.00                             | \$0.00           | \$0.00  | \$200.00  |                               | \$600.00                     |
| 8               | Temporary Sediment Barrier                 | \$ 900.00                        | \$300.00                             | \$900.00         | \$0.00  | \$1,200.00                                      | 133.3%                        | (\$300.00)                   |
| 9               | Temporary Sediment Basin                   | \$ 4,500.00                      | \$0.00                               | \$4,500.00       | \$0.00  | \$4,500.00                                      | 100.0%                        | \$0.00                       |
| 10              | Temporary Rock Dam                         | \$ 2,400.00                      | \$1,200.00                           | \$2,400.00       | \$0.00  | \$3,600.00                                      | 150.0%                        | (\$1,200.00)                 |
| 11              | Solid Slab Sod                             | \$ 14,750.00                     | \$0.00                               | \$0.00           | \$0.00  | \$0.00  |                               | \$14,750.00                  |
| 12              | Vegetative Mulch                           | \$ 10,000.00                     | \$0.00                               | \$0.00           | \$0.00  | \$0.00  |                               | \$10,000.00                  |
| 13              | Class AA Concrete                          | \$ 31,000.00                     | \$20,000.00                          | \$0.00           | \$0.00  | \$20,000.00                                     |                               | \$11,000.00                  |
| 14              | Reinforcing Steel                          | \$ 9,400.00                      | \$5,489.00                           | \$0.00           | \$0.00  | \$5,489.00                                      |                               | \$3,911.00                   |
| 15              | 4' ID Manhole                              | \$ 4,000.00                      | \$4,000.00                           | \$0.00           | \$0.00  | \$4,000.00                                      |                               | \$0.00                       |
| 16              | Adjust Existing Utility Manhole to Grade   | \$ 1,500.00                      | \$1,500.00                           | \$0.00           | \$0.00  | \$1,500.00                                      |                               | \$0.00                       |
| 17              | 18" Round, HDPE Pipe                       | \$ 1,440.00                      | \$0.00                               | \$0.00           | \$0.00  | \$0.00  |                               | \$1,440.00                   |
| 18              | Removal of Structures and Obstructions     | \$ 14,000.00                     | \$14,000.00                          | \$0.00           | \$0.00  | \$14,000.00                                     |                               | \$0.00                       |
| 19              | Removal of Existing 48" (Double) HDPE Pipe | \$ 2,000.00                      | \$2,000.00                           | \$0.00           | \$0.00  | \$2,000.00                                      |                               | \$0.00                       |
| 20              | Mobilization                               | \$ 25,000.00                     | \$21,250.00                          | \$0.00           | \$0.00  | \$21,250.00                                     |                               | \$3,750.00                   |
| 21              | Construction Staking                       | \$ 9,000.00                      | \$7,650.00                           | \$0.00           | \$0.00  | \$7,650.00                                      |                               | \$1,350.00                   |
| 22              | Construction Traffic Controls              | \$ 5,000.00                      | \$4,250.00                           | \$0.00           | \$0.00  | \$4,250.00                                      |                               | \$750.00                     |
| 23              | 12" PVC- C900                              | \$ 32,550.00                     | \$32,200.00                          | \$0.00           | \$0.00  | \$32,200.00                                     |                               | \$350.00                     |
| 24              | 12" DIP                                    | \$ 8,600.00                      | \$0.00                               | \$0.00           | \$0.00  | \$0.00  |                               | \$8,600.00                   |
| 25              | 12" - 11-1/4 Degree Bend                   | \$ 500.00                        | \$500.00                             | \$0.00           | \$0.00  | \$500.00  |                               | \$0.00                       |
| Sub-Total       |  |                                  |                                      |                  |   |   |                               | \$ 1,929,330.59              |

| Item No.                   | Description of Item                 | C<br>SCHEDULED VALUE (EXTENSION) | D<br>FROM PREVIOUS APPLICATION (D+E) | E<br>THIS PERIOD | F<br>MATERIALS PRESENTLY STORED (NOT IN D or E) | G<br>COMPLETED AND STORED TO DATE (D+E+F) | H<br>PERCENT COMPLETE % (G/C) | I<br>BALANCE TO FINISH (C-G) |
|----------------------------|-------------------------------------|----------------------------------|--------------------------------------|------------------|---|---|-------------------------------|------------------------------|
|                            |                                     |                                  |                                      |                  |   |   |                               |                              |
| <b>BASE BID</b>            |                                     |                                  |                                      |                  |   |   |                               |                              |
| 26                         | 12" - 22-1/2 Degree Bend            | \$ 1,000.00                      | \$1,000.00                           | \$0.00           | \$0.00  | \$1,000.00                                |                               | \$0.00                       |
| 27                         | 12" - 45 Degree Bend                | \$ 1,000.00                      | \$1,000.00                           | \$0.00           | \$0.00  | \$1,000.00                                |                               | \$0.00                       |
| 28                         | 12" x 12" x 12" Tee                 | \$ 700.00                        | \$700.00                             | \$0.00           | \$0.00  | \$700.00                                  |                               | \$0.00                       |
| 29                         | 12" Solid Sleeve                    | \$ 600.00                        | \$0.00                               | \$0.00           | \$0.00  | \$0.00                                    |                               | \$600.00                     |
| 30                         | 12" x 6" Reducer                    | \$ 500.00                        | \$500.00                             | \$0.00           | \$0.00  | \$500.00                                  |                               | \$0.00                       |
| 31                         | 12" Gate Valve                      | \$ 4,000.00                      | \$4,000.00                           | \$0.00           | \$0.00  | \$4,000.00                                |                               | \$0.00                       |
| 32                         | Fire Hydrant Assembly               | \$ 6,000.00                      | \$6,000.00                           | \$0.00           | \$0.00  | \$6,000.00                                |                               | \$0.00                       |
| 33                         | Type 1 Valve Box                    | \$ 400.00                        | \$400.00                             | \$0.00           | \$0.00  | \$400.00                                  |                               | \$0.00                       |
| 34                         | 24" Steel Casing and Bore           | \$ 24,000.00                     | \$0.00                               | \$0.00           | \$0.00  | \$0.00                                    |                               | \$24,000.00                  |
| 35                         | 6'x4' RCB Precast                   | \$ 69,000.00                     | \$59,800.00                          | \$0.00           | \$0.00  | \$59,800.00                               |                               | \$9,200.00                   |
| 36                         | 10'x4' RCB Precast                  | \$ 85,000.00                     | \$85,000.00                          | \$0.00           | \$0.00  | \$85,000.00                               |                               | \$0.00                       |
| 37                         | 4'x3' BA Standard Inlet             | \$ 6,000.00                      | \$0.00                               | \$0.00           | \$0.00  | \$0.00                                    |                               | \$6,000.00                   |
|                            |                                     |                                  |                                      |                  |   | Sub-Total                                 | \$                            | 158,400.00                   |
|                            |                                     |                                  |                                      |                  |   | Total Base Bid                            | \$                            | 2,087,730.59                 |
| <b>ADD ALTERNATE NO. 1</b> |                                     |                                  |                                      |                  |   |   |                               |                              |
| 38                         | Aggregate Base                      | \$ 12,600.00                     | \$0.00                               | \$12,139.20      | \$0.00  | \$12,139.20                               | 96.3%                         | \$ 460.80                    |
| 39                         | Subgrade Method B                   | \$ 2,830.50                      | \$0.00                               | \$2,731.34       | \$0.00  | \$2,731.34                                | 96.5%                         | \$ 99.16                     |
| 40                         | Separator Fabric                    | \$ 3,441.00                      | \$0.00                               | \$2,972.34       | \$0.00  | \$2,972.34                                | 86.4%                         | \$ 468.66                    |
| 41                         | Tack Coat                           | \$ 1,842.00                      | \$0.00                               | \$0.00           | \$0.00  | \$0.00                                    |                               | \$ 1,842.00                  |
| 42                         | Super Pave, Type S3 (64-22)         | \$ 35,850.00                     | \$0.00                               | \$0.00           | \$0.00  | \$0.00                                    |                               | \$ 35,850.00                 |
| 43                         | PC Concrete (Placement)             | \$ 2,640.00                      | \$0.00                               | \$2,430.00       | \$0.00  | \$2,430.00                                | 92.0%                         | \$ 210.00                    |
| 44                         | PC Concrete for Pavement            | \$ 3,300.00                      | \$0.00                               | \$2,986.50       | \$0.00  | \$2,986.50                                | 90.5%                         | \$ 313.50                    |
| 45                         | Concrete Curb and Gutter            | \$ 20,560.00                     | \$0.00                               | \$20,360.00      | \$0.00  | \$20,360.00                               | 99.0%                         | \$ 200.00                    |
| 46                         | Removal of Existing Curb and Gutter | \$ 320.00                        | \$200.00                             | \$120.00         | \$0.00  | \$320.00                                  | 100.0%                        | \$ -                         |
|                            |                                     |                                  |                                      |                  |   | Sub-Total                                 | \$                            | 43,939.38                    |
|                            |                                     |                                  |                                      |                  |   | <b>TOTAL WORK COMPLETED TO DATE</b>       |                               | <b>\$2,131,669.97</b>        |

## **SUPPORTING DOCUMENTATION**



**TRI-STAR CONSTRUCTION, LLC**

# PAYMENT APPLICATION

**TO:** COWAN GROUP ENGINEERING  
 5416 S YALE AVE, SUITE 210  
 TULSA OK 74135  
 Attn: KENNETH SCHWAB  
 Tri Star Construction, LLC  
 1880 N. 168th E. Avenue  
 Tulsa, OK 74116  
**FOR:** STONEY CREEK HOTEL / CITY BA

**PROJECT NAME AND LOCATION:** STONEY CREEK HOTEL EARTH CHANGE P  
 200 WEST ALBANY STREET  
 BROKEN ARROW, OK 74012  
**ARCHITECT:** COWAN GROUP ENGINEERING  
 5416 S YALE AVE, SUITE 210  
 TULSA OK 74135

**APPLICATION #** 5  
**PERIOD THRU:** 12/02/2015  
**PROJECT #s:** SC-15001  
**DATE OF CONTRACT:** 06/15/2015  
**PAYMENT TERMS:** Net 30 Days  
**PAYMENT DUE:** 01/06/2016

**Distribution to:**  
 OWNER  
 ARCHITECT  
 CONTRACTOR

## CONTRACTOR'S SUMMARY OF WORK

Application is made for payment as shown below. Continuation Page is attached.

|   |                |
|---|----------------|
| 1. CONTRACT AMOUNT  | \$1,815,033.50 |
| 2. SUM OF ALL CHANGE ORDERS                                   | \$652,649.04   |
| 3. CURRENT CONTRACT AMOUNT (Line 1 +/- 2)                     | \$2,467,682.54 |
| 4. TOTAL COMPLETED AND STORED (Column G on Continuation Page) | \$2,131,669.97 |

5. RETAINAGE:

|   |              |
|---|--------------|
| a. 5.00% of Completed Work (Columns D + E on Continuation Page) | \$106,583.50 |
| b. 0.00% of Material Stored (Column F on Continuation Page)     | \$0.00       |
| Total Retainage (Line 5a + 5b or Column I on Continuation Page) | \$106,583.50 |

|  |                |
|--|----------------|
| 6. TOTAL COMPLETED AND STORED LESS RETAINAGE (Line 4 minus Line 5 Total) | \$2,025,086.47 |
| 7. LESS PREVIOUS PAYMENT APPLICATIONS                                    | \$1,973,749.06 |
| 8. PAYMENT DUE   | \$51,337.41    |
| 9. BALANCE TO COMPLETION (Line 3 minus Line 6)                           | \$442,596.08   |

| SUMMARY OF CHANGE ORDERS                  | ADDITIONS    | DEDUCTIONS |
|---|--------------|------------|
| Total changes approved in previous months | \$652,649.04 | \$0.00     |
| Total approved this month                 | \$0.00       | \$0.00     |
| TOTALS                                    | \$652,649.04 | \$0.00     |
| NET CHANGES                               | \$652,649.04 |            |

Contractor's signature below is his assurance to Owner, concerning the payment herein applied for, that: (1) the Work has been performed as required in the Contract Documents, (2) all sums previously paid to Contractor under the Contract have been used to pay Contractor's costs for labor, materials and other obligations under the Contract for Work previously paid for, and (3) Contractor is legally entitled to this payment.

**CONTRACTOR:** Tri Star Construction, LLC  
 By: [Signature] Date: 12/8/15  
 MARK HUFF

State of: Oklahoma  
 County of: Rogers

Subscribed and sworn to before me this 8th day of December 2015

Notary Public: [Signature]  
 My Commission Expires: 07-18-2016  
 PAULA DUINN  
 NOTARY PUBLIC STATE OF OKLAHOMA  
 ROGERS COUNTY  
 COMMISSION NO. 00010083

## ARCHITECT'S CERTIFICATION

Architect's signature below is his assurance to Owner, concerning the payment herein applied for, that: (1) Architect has inspected the Work represented by this Application, (2) such Work has been completed to the extent indicated in this Application, and the quality of workmanship and materials conforms with the Contract Documents, (3) this Application for Payment accurately states the amount of Work completed and payment due therefor, and (4) Architect knows of no reason why payment should not be made.

**CERTIFIED AMOUNT:** .....  
 (If the certified amount is different from the payment due, you should attach an explanation. Initial all the figures that are changed to match the certified amount.)

**ARCHITECT:** KENNETH SCHWAB  
 By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Neither this Application nor payment applied for herein is assignable or negotiable. Payment shall be made only to Contractor, and is without prejudice to any rights of Owner or Contractor under the Contract Documents or otherwise.

**CONTINUATION PAGE**

PROJECT: 1513 APPLICATION #: 5  
 STONEY CREEK HOTEL EARTH CHANGE DATE OF APPLICATION: 12/07/2015  
 PROJECT PERIOD THRU: 12/02/2015  
 PROJECT #s: SC-15001

Payment Application containing Contractor's signature is attached.

| A<br>ITEM # | B<br>WORK DESCRIPTION                           | C<br>SCHEDULED AMOUNT |                | D<br>COMPLETED WORK     |                    | E<br>AMOUNT THIS PERIOD | F<br>STORED MATERIALS (NOT IN D OR E) | G<br>TOTAL COMPLETED AND STORED (D + E + F) | H<br>BALANCE TO COMPLETION (C-G) | I<br>RETAINAGE (If Variable) |
|-------------|---|-----------------------|----------------|-------------------------|--------------------|-------------------------|---------------------------------------|---|----------------------------------|------------------------------|
|             |   | QTY                   | \$ AMT         | AMOUNT PREVIOUS PERIODS | AMOUNT THIS PERIOD |                         |                                       |   |                                  |                              |
| 1           | CLEARING & GRUBBING<br>\$50,000.00 PER LS       | 1.00                  | \$50,000.00    | 0.95                    | \$47,500.00        | 0.05                    | \$2,500.00                            | \$0.00                                      | 0.00                             | \$0.00                       |
| 2           | 202A UNCLASS EXCAVATION,<br>\$7.00 PER CY       | 139,700.00            | \$977,900.00   | 92,453.51               | \$647,174.55       | 0.00                    | \$0.00                                | \$647,174.55                                | 47,246.49                        | \$330,725.45                 |
| 3           | 202A UNCLASS EXCAVATION,<br>\$5.00 PER CY       | 29,100.00             | \$145,500.00   | 33,549.42               | \$167,747.08       | 0.00                    | \$0.00                                | \$167,747.08                                | -4,449.42                        | (\$22,247.08)                |
| 4           | 202C ROCK EXCAVATION<br>\$15.00 PER CY          | 10,200.00             | \$153,000.00   | 61,074.00               | \$916,109.96       | 0.00                    | \$0.00                                | \$916,109.96                                | -50,874.00                       | (\$763,109.96)               |
| 5           | 205A TYPE A SALVAGED<br>\$25,000.00 PER LS      | 1.00                  | \$25,000.00    | 0.85                    | \$21,250.00        | 0.00                    | \$0.00                                | \$21,250.00                                 | 0.15                             | \$3,750.00                   |
| 6           | 221C TEMP SILT FENCE<br>\$2.00 PER LF           | 2,355.00              | \$4,710.00     | 2,355.00                | \$4,710.00         | 0.00                    | \$0.00                                | \$4,710.00                                  | 0.00                             | \$0.00                       |
| 7           | 221D TEMP INLET BARRIER<br>\$200.00 PER Each    | 4.00                  | \$800.00       | 1.00                    | \$200.00           | 0.00                    | \$0.00                                | \$200.00                                    | 3.00                             | \$600.00                     |
| 8           | 221E TEMP SEDIMENT BASIN<br>\$300.00 PER Each   | 3.00                  | \$900.00       | 1.00                    | \$300.00           | 3.00                    | \$900.00                              | \$1,200.00                                  | -1.00                            | (\$300.00)                   |
| 9           | 221F TEMP SEDIMENT BARRIER<br>\$300.00 PER Each | 15.00                 | \$4,500.00     | 0.00                    | \$0.00             | 15.00                   | \$4,500.00                            | \$4,500.00                                  | 0.00                             | \$0.00                       |
| 10          | 221G TEMP ROCK DAM<br>\$1,200.00 PER Each       | 2.00                  | \$2,400.00     | 1.00                    | \$1,200.00         | 2.00                    | \$2,400.00                            | \$3,600.00                                  | -1.00                            | (\$1,200.00)                 |
| 11          | 230A SOLID SLAB SODDING<br>\$2.50 PER SY        | 5,900.00              | \$14,750.00    | 0.00                    | \$0.00             | 0.00                    | \$0.00                                | \$0.00                                      | 5,900.00                         | \$14,750.00                  |
| 12          | 233A VEGATIVE MULCH<br>\$2,000.00 PER AC        | 5.00                  | \$10,000.00    | 0.00                    | \$0.00             | 0.00                    | \$0.00                                | \$0.00                                      | 5.00                             | \$10,000.00                  |
| 13          | 509A CLASS AA CONCRETE<br>\$500.00 PER CY       | 62.00                 | \$31,000.00    | 40.00                   | \$20,000.00        | 0.00                    | \$0.00                                | \$20,000.00                                 | 22.00                            | \$11,000.00                  |
| 14          | 511A REINFORCING STEEL<br>\$1.00 PER Lbs        | 9,400.00              | \$9,400.00     | 5,489.00                | \$5,489.00         | 0.00                    | \$0.00                                | \$5,489.00                                  | 3,911.00                         | \$3,911.00                   |
| 15          | 611A 40" ID NEW UTILITY<br>\$4,000.00 PER Each  | 1.00                  | \$4,000.00     | 1.00                    | \$4,000.00         | 0.00                    | \$0.00                                | \$4,000.00                                  | 0.00                             | \$0.00                       |
| 16          | 612A ADJ EXIST UTILITY<br>\$1,500.00 PER Each   | 1.00                  | \$1,500.00     | 1.00                    | \$1,500.00         | 0.00                    | \$0.00                                | \$1,500.00                                  | 0.00                             | \$0.00                       |
|             | <b>SUB-TOTALS</b>                               |                       | \$1,435,360.00 | \$1,837,180.59          | \$10,300.00        |                         | \$0.00                                | \$1,847,480.59                              | 129%                             | (\$412,120.59)               |

**CONTINUATION PAGE**

PROJECT: 1513 STONEY CREEK HOTEL EARTH CHANGE PROJECT  
 APPLICATION #: 5  
 DATE OF APPLICATION: 12/07/2015  
 PERIOD THRU: 12/02/2015  
 PROJECT #s: SC-15001

Payment Application containing Contractor's signature is attached.

| A<br>ITEM # | B<br>WORK DESCRIPTION                           | C<br>SCHEDULED AMOUNT |                | D<br>COMPLETED WORK     |                    | E<br>AMOUNT THIS PERIOD | F<br>STORED MATERIALS (NOT IN D OR E) | G<br>TOTAL COMPLETED AND STORED (D + E + F) | % COMP (G / C) | H<br>BALANCE TO COMPLETION (C-G) | I<br>RETAINAGE (if Variable) |
|-------------|---|-----------------------|----------------|-------------------------|--------------------|-------------------------|---------------------------------------|---|----------------|----------------------------------|------------------------------|
|             |   | QTY                   | \$ AMT         | AMOUNT PREVIOUS PERIODS | AMOUNT THIS PERIOD |                         |                                       |   |                |                                  |                              |
| 17          | 613E 18" ROUND HDPE PIPE<br>\$60.00 PER LF      | 24.00                 | \$1,440.00     | 0.00                    | \$0.00             | \$0.00                  | 0.00                                  | \$0.00                                      | 0%             | \$1,440.00                       |                              |
| 18          | 619A REMOVAL OF<br>\$14,000.00 PER LS           | 1.00                  | \$14,000.00    | 1.00                    | \$0.00             | \$0.00                  | 0.00                                  | \$14,000.00                                 | 100%           | \$0.00                           |                              |
| 19          | 619B REMOVAL OF EXIST 48"<br>\$25.00 PER LF     | 80.00                 | \$2,000.00     | 80.00                   | \$0.00             | \$0.00                  | 0.00                                  | \$2,000.00                                  | 100%           | \$0.00                           |                              |
| 20          | 641 MOBILIZATION<br>\$25,000.00 PER LS          | 1.00                  | \$25,000.00    | 0.85                    | \$0.00             | \$0.00                  | 0.00                                  | \$21,250.00                                 | 85%            | \$3,750.00                       |                              |
| 21          | 642B CONSTRUCTION STAKING<br>\$9,000.00 PER LS  | 1.00                  | \$9,000.00     | 0.85                    | \$0.00             | \$0.00                  | 0.00                                  | \$7,650.00                                  | 85%            | \$1,350.00                       |                              |
| 22          | 880J CONSTRUCTION TRAFFIC<br>\$5,000.00 PER LS  | 1.00                  | \$5,000.00     | 0.85                    | \$0.00             | \$0.00                  | 0.00                                  | \$4,250.00                                  | 85%            | \$750.00                         |                              |
| 23          | BA401 12" PVC C-900 PIPE<br>\$70.00 PER LF      | 465.00                | \$32,550.00    | 460.00                  | \$0.00             | \$0.00                  | 0.00                                  | \$32,200.00                                 | 99%            | \$350.00                         |                              |
| 24          | BA402 12" DI PIPE<br>\$100.00 PER LF            | 86.00                 | \$8,600.00     | 0.00                    | \$0.00             | \$0.00                  | 0.00                                  | \$0.00                                      | 0%             | \$8,600.00                       |                              |
| 25          | BA401A1 12" 11 1/4 DEGREE<br>\$500.00 PER Each  | 1.00                  | \$500.00       | 1.00                    | \$0.00             | \$0.00                  | 0.00                                  | \$500.00                                    | 100%           | \$0.00                           |                              |
| 26          | BA410A2 12" 22 1/2 DEGREE<br>\$500.00 PER Each  | 2.00                  | \$1,000.00     | 2.00                    | \$0.00             | \$0.00                  | 0.00                                  | \$1,000.00                                  | 100%           | \$0.00                           |                              |
| 27          | BA410A3 12" 45 DEGREE BEND<br>\$500.00 PER Each | 2.00                  | \$1,000.00     | 2.00                    | \$0.00             | \$0.00                  | 0.00                                  | \$1,000.00                                  | 100%           | \$0.00                           |                              |
| 28          | BA410B1 12"X12"X12" TEE<br>\$700.00 PER Each    | 1.00                  | \$700.00       | 1.00                    | \$0.00             | \$0.00                  | 0.00                                  | \$700.00                                    | 100%           | \$0.00                           |                              |
| 29          | BA410D1 12" SOLID SLEEVE<br>\$600.00 PER Each   | 1.00                  | \$600.00       | 0.00                    | \$0.00             | \$0.00                  | 0.00                                  | \$0.00                                      | 0%             | \$600.00                         |                              |
| 30          | BA410G1 12" X 6" REDUCER<br>\$500.00 PER Each   | 1.00                  | \$500.00       | 1.00                    | \$0.00             | \$0.00                  | 0.00                                  | \$500.00                                    | 100%           | \$0.00                           |                              |
| 31          | BA420A1 12" GATE VALVE<br>\$2,000.00 PER Each   | 2.00                  | \$4,000.00     | 2.00                    | \$0.00             | \$0.00                  | 0.00                                  | \$4,000.00                                  | 100%           | \$0.00                           |                              |
| 32          | BA423 FIRE HYDRANT<br>\$3,000.00 PER Each       | 2.00                  | \$6,000.00     | 2.00                    | \$0.00             | \$0.00                  | 0.00                                  | \$6,000.00                                  | 100%           | \$0.00                           |                              |
|             | <b>SUB-TOTALS</b>                               |                       | \$1,547,250.00 | \$1,932,230.59          | \$10,300.00        | \$0.00                  | \$0.00                                | \$1,942,530.59                              | 126%           | (\$395,280.59)                   |                              |

**CONTINUATION PAGE**

PROJECT: 1513 STONEY CREEK HOTEL EARTH CHANGE PROJECT  
 APPLICATION #: 5 DATE OF APPLICATION: 12/07/2015  
 PERIOD THRU: 12/02/2015  
 PROJECT #s: SC-15001

Payment Application containing Contractor's signature is attached.

| A<br>ITEM # | B<br>WORK DESCRIPTION                             | C<br>SCHEDULED AMOUNT |                | D<br>COMPLETED WORK     |                    | E<br>AMOUNT THIS PERIOD | F<br>STORED MATERIALS (NOT IN D OR E) | G<br>TOTAL COMPLETED AND STORED (D + E + F) | H<br>BALANCE TO COMPLETION (C-G) | I<br>RETAINAGE (if Variable) |
|-------------|---|-----------------------|----------------|-------------------------|--------------------|-------------------------|---------------------------------------|---|----------------------------------|------------------------------|
|             |   | QTY                   | \$ AMT         | AMOUNT PREVIOUS PERIODS | AMOUNT THIS PERIOD |                         |                                       |   |                                  |                              |
| 33          | BA430A TYPE 1 VALVE BOX<br>\$200.00 PER Each      | 2.00                  | \$400.00       | 2.00                    | \$400.00           | 0.00                    | \$0.00                                | \$400.00                                    | \$0.00                           |                              |
| 34          | SPEC-1 24" STEEL CASING &<br>\$300.00 PER LF      | 80.00                 | \$24,000.00    | 0.00                    | \$0.00             | 0.00                    | \$0.00                                | \$0.00                                      | \$24,000.00                      |                              |
| 35          | SPEC-2 6' X 4' PRECAST<br>\$575.00 PER LF         | 120.00                | \$69,000.00    | 104.00                  | \$59,800.00        | 0.00                    | \$0.00                                | \$59,800.00                                 | \$9,200.00                       |                              |
| 36          | SPEC-3 10' X 4' PRECAST<br>\$850.00 PER LF        | 100.00                | \$85,000.00    | 100.00                  | \$85,000.00        | 0.00                    | \$0.00                                | \$85,000.00                                 | \$0.00                           |                              |
| 37          | SPEC-4 4' X 3' BA STANDARD<br>\$6,000.00 PER Each | 1.00                  | \$6,000.00     | 0.00                    | \$0.00             | 0.00                    | \$0.00                                | \$0.00                                      | \$6,000.00                       |                              |
| 38          | ALT 1 - 303A AGG BASE<br>\$40.00 PER CY           | 315.00                | \$12,600.00    | 0.00                    | \$0.00             | 303.48                  | \$12,139.20                           | \$12,139.20                                 | \$460.80                         |                              |
| 39          | ALT 1 - 310B SUBGRADE<br>\$1.50 PER SY            | 1,887.00              | \$2,830.50     | 0.00                    | \$0.00             | 1,820.89                | \$2,731.34                            | \$2,731.34                                  | \$99.17                          | 99.17                        |
| 40          | ALT 1 - 325 SEPARATOR FABRIC<br>\$1.50 PER SY     | 2,294.00              | \$3,441.00     | 0.00                    | \$0.00             | 1,981.56                | \$2,972.34                            | \$2,972.34                                  | \$468.66                         |                              |
| 41          | ALT 1 - 407B TACK COAT<br>\$3.00 PER Gal          | 614.00                | \$1,842.00     | 0.00                    | \$0.00             | 0.00                    | \$0.00                                | \$0.00                                      | \$1,842.00                       |                              |
| 42          | ALT 1 - 411B SUPERPAVE<br>\$75.00 PER Ton         | 478.00                | \$35,850.00    | 0.00                    | \$0.00             | 0.00                    | \$0.00                                | \$0.00                                      | \$35,850.00                      |                              |
| 43          | ALT 1 - 414A PC CONCRETE<br>\$20.00 PER SY        | 132.00                | \$2,640.00     | 0.00                    | \$0.00             | 121.50                  | \$2,430.00                            | \$2,430.00                                  | \$210.00                         |                              |
| 44          | ALT 1 - 414G PC CONCRETE<br>\$110.00 PER SY       | 30.00                 | \$3,300.00     | 0.00                    | \$0.00             | 27.15                   | \$2,986.50                            | \$2,986.50                                  | \$313.50                         |                              |
| 45          | ALT 1 - 609B CONCRETE CURB &<br>\$20.00 PER LF    | 1,028.00              | \$20,560.00    | 0.00                    | \$0.00             | 1,018.00                | \$20,360.00                           | \$20,360.00                                 | \$200.00                         |                              |
| 46          | ALT 1 - 619B REMOVAL OF EXIST<br>\$4.00 PER LF    | 80.00                 | \$320.00       | 50.00                   | \$200.00           | 30.00                   | \$120.00                              | \$320.00                                    | \$0.00                           |                              |
| 47          | Change Order #1<br>\$580,000.00 PER LS            | 1.00                  | \$580,000.00   | 0.00                    | \$0.00             | 0.00                    | \$0.00                                | \$0.00                                      | \$580,000.00                     |                              |
| 48          | Change Order #2<br>\$72,649.04 PER LS             | 1.00                  | \$72,649.04    | 0.00                    | \$0.00             | 0.00                    | \$0.00                                | \$0.00                                      | \$72,649.04                      |                              |
|             | TOTALS  |                       | \$2,467,682.54 | \$2,077,630.59          | \$54,039.38        | \$0.00                  | \$2,131,669.97                        | \$336,012.58                                |                                  |                              |

**EXTENSION OF TIME REQUEST**  
(to be submitted with each partial payment application)  
(Pay App #5)

DATE: 12-07-2015

CONTRACTOR: Tri-Star Construction, LLC

ADDRESS: PO Box 400

Catoosa, OK 74015

CONTRACT NO.: SC-15001

PROJECT NO.: Stoney Creek Hotel & Conference Center-Earthwork Only

DESCRIPTION: Earthwork/Site Development

EXTENSION OF CONTRACT TIME REQUIRED:  YES  NO

TOTAL OF EXTENSION TIME REQUESTED: 37 Calendar Days + 16 DAYS FOR SITE REV ON HOTEL REVISIONS

IF YES GIVE REASON: 11 Days delay due to additional rock excavation. Rock Excavation takes longer to excavate than standard unclassified excavation; therefore, when you increase the amount of rock excavation you increase the overall amount of time it takes to complete the project. Since rock excavation overran by 50,000 C.Y., it took an additional 11 days to complete. (11 Additional Days).

Rained out on 11/5/2015, 11/6/2015, 11/7/2015, 11/9/2015, 11/16/2015, 11/17/2015, 11/18/2015, ~~11/26/2015~~, 11/27/2015, 11/28/2015, ~~11/29/2015~~. T-Giving Sunday not a work day  
11/30/2015, ~~12/1/2015~~, & ~~12/2/2015~~. (Multiple Rain Events during the day & night) 14 Days Delayed)

(DEC DAYS)

Mark Huff 10 dk'd

SIGNATURE - CONTRACTOR

**CONSULTING ENGINEER OR DEPARTMENT OF PUBLIC WORKS STAFF RECOMMENDATIONS**

APPROVED: 37 REJECTED: \_\_\_\_\_

REASON: See Notes above

SIGNATURE

Russ K. Stuber

DATE

10 DEC 2015

ACTION WILL BE TAKEN WITHIN 30 DAYS FROM RECEIPT OF REQUEST

ETR-1

# Cut/Fill Report

**Generated:** 2015-12-02 20:43:39

**By user:** jwsmith

**Drawing:**

S:\Survey\Raw Files\14-256 Broken Arrow-Stoney Creek Hotel\FROM OTHERS\From Tri-Star\120115\S:\Survey\Raw Files\14-256 Broken Arrow-Stoney Creek Hotel\FROM OTHERS\From Tri-Star\120115\TriStar Processed Surface 113015.dwg

| Volume Summary                            |      |            |             |                   |               |                |                |
|---|------|------------|-------------|-------------------|---------------|----------------|----------------|
| Name                                      | Type | Cut Factor | Fill Factor | 2d Area (Sq. Ft.) | Cut (Cu. Yd.) | Fill (Cu. Yd.) | Net (Cu. Yd.)  |
| Tri-Star Volume Comparison Surface-113015 | full | 1.000      | 1.000       | 629804.02         | 149005.32     | 25172.01       | 123833.31<Cut> |

| Totals |  |                   |               |                |                |
|--------|--|-------------------|---------------|----------------|----------------|
|        |  | 2d Area (Sq. Ft.) | Cut (Cu. Yd.) | Fill (Cu. Yd.) | Net (Cu. Yd.)  |
| Total  |  | 629804.02         | 149005.32     | 25172.01       | 123833.31<Cut> |

\* Value adjusted by cut or fill factor other than 1.0

# Cut/Fill Report

**Generated:** 2015-12-02 21:07:32

**By user:** jwsmith

**Drawing:**

S:\Survey\Raw Files\14-256 Broken Arrow-Stoney Creek Hotel\FROM OTHERS\From Tri-Star\120115\S:\Survey\Raw Files\14-256 Broken Arrow-Stoney Creek Hotel\FROM OTHERS\From Tri-Star\120115\TriStar Processed Surface 113015.dwg

| Volume Summary                            |      |            |             |                   |               |                |               |
|---|------|------------|-------------|-------------------|---------------|----------------|---------------|
| Name                                      | Type | Cut Factor | Fill Factor | 2d Area (Sq. Ft.) | Cut (Cu. Yd.) | Fill (Cu. Yd.) | Net (Cu. Yd.) |
| Tri-Star Volume Comparison Surface-113015 | full | 1.000      | 1.000       | 63241.05          | 384.91        | 5042.79        | 4657.89<Fill> |

| Totals |  |  |  |                   |               |                |               |
|--------|--|--|--|-------------------|---------------|----------------|---------------|
|        |  |  |  | 2d Area (Sq. Ft.) | Cut (Cu. Yd.) | Fill (Cu. Yd.) | Net (Cu. Yd.) |
| Total  |  |  |  | 63241.05          | 384.91        | 5042.79        | 4657.89<Fill> |

\* Value adjusted by cut or fill factor other than 1.0