

## Memorandum:

Recommendation for Termination of Contract #23300 –  
Brentwood Concrete Panel Replacement Street Repair

### Exhibit 3:

Emails Between Contractor and City

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**From:** Hopkins, Timothy  
**Sent:** Wednesday, March 12, 2025 3:00 PM  
**To:** juls@ellis-concrete.com; Kohl, Nathanael  
**Cc:** tyler@ellis-concrete.com; amber@ellis-concrete.com  
**Subject:** RE: Brentwood change order #1  
**Attachments:** Brentwood ST23300 - CO #1 Quantities V2.pdf; Brentwood Concrete Panel Replacement ST23300 - Change Order #1 V2.pdf

Juls,

Please see attached Change Order #1 Version 2.0.

I kept the price of communication to the previously agreed \$3998.00 and revised the quantities to raise the estimated quantity over-runs to \$696,002.00 for a total CO amount of \$700,000.00. As discussed with Amber, the money for the communication will be listed as Change Order #1 (lump sum) on the pay application following City Council approval. The over-run quantities will be added to the line item project costs.

An additional eighty-seven (87) days were also requested which includes ten (10) for communication and seventy-seven (77) for the additional work.

Plz let me know if you have any questions!

THx,

**Timothy A. Hopkins**

*City of Broken Arrow*

*Cellular: 539-900-2800*

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**From:** juls@ellis-concrete.com <juls@ellis-concrete.com>  
**Sent:** Tuesday, March 11, 2025 2:06 PM  
**To:** Hopkins, Timothy <THopkins@brokenarrowok.gov>; Kohl, Nathanael <NKohl@brokenarrowok.gov>  
**Cc:** tyler@ellis-concrete.com  
**Subject:** RE: Brentwood change order #1

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Sorry about that, this one is the correct one.

Thanks,

Juls



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**From:** Hopkins, Timothy <THopkins@brokenarrowok.gov>  
**Sent:** Tuesday, March 11, 2025 10:49 AM  
**To:** juls@ellis-concrete.com; Kohl, Nathanael <NKohl@brokenarrowok.gov>  
**Cc:** tyler@ellis-concrete.com  
**Subject:** Re: Brentwood change order #1

Juls,

Per our conversation and conversations with Nate, we cannot adjust the unit price of established line items that are within the scope of the project.

THx,

**Timothy A. Hopkins**

*City of Broken Arrow*  
*Cellular: 539-900-2800*

Sent via the Samsung Galaxy S21+ 5G

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**From:** Hopkins, Timothy <THopkins@brokenarrowok.gov>  
**Sent:** Friday, March 7, 2025 9:55:10 AM  
**To:** juls@ellis-concrete.com <juls@ellis-concrete.com>; Kohl, Nathanael <NKohl@brokenarrowok.gov>  
**Cc:** tyler@ellis-concrete.com <tyler@ellis-concrete.com>  
**Subject:** Re: Brentwood change order #1

Juls,

Due to this being a over-run of quantities, plz adjust your unit pricing to that of the original bid. For example: Line Item 2 should be \$69/SqYd not \$76.

THx,

**Timothy A. Hopkins**

*City of Broken Arrow*  
*Cellular: 539-900-2800*

Sent via the Samsung Galaxy S21+ 5G

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**From:** juls@ellis-concrete.com <juls@ellis-concrete.com>  
**Sent:** Friday, March 7, 2025 9:47:44 AM  
**To:** Hopkins, Timothy <THopkins@brokenarrowok.gov>; Kohl, Nathanael <NKohl@brokenarrowok.gov>  
**Cc:** tyler@ellis-concrete.com <tyler@ellis-concrete.com>  
**Subject:** Brentwood change order #1

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Good Morning,

Please see attached change order for adding the additional streets.

Let me know if you have any questions or need anything additional.

Happy Friday.



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**From:** tyler@ellis-concrete.com  
**Sent:** Friday, August 8, 2025 4:07 PM  
**To:** Small, Travis; Hopkins, Timothy  
**Cc:** Kohl, Nathanael; Edwards, Blake; 'Stahle, Jeremy'  
**Subject:** RE: Brentwood testing Results

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Yes sir,

The area we have tested twice and both times have failed, have been open for 8 Days.

Thank you.

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**From:** Small, Travis <TSmall@brokenarrowok.gov>  
**Sent:** Friday, August 8, 2025 3:59 PM  
**To:** tyler@ellis-concrete.com; Hopkins, Timothy <THopkins@brokenarrowok.gov>  
**Cc:** Kohl, Nathanael <NKohl@brokenarrowok.gov>; Edwards, Blake <BEdwards@brokenarrowok.gov>; 'Stahle, Jeremy' <jeremy.stahle@kimley-horn.com>  
**Subject:** RE: Brentwood testing Results

Was the area tested on Tuesday re-worked according to the subgrade method B requirements before the re-testing?

**Travis Small, PE, CFM**  
*Transportation Division Manager*  
*Engineering & Construction Department*

**City of Broken Arrow**  
**485 N. Poplar Avenue**  
**Broken Arrow, OK 74012**  
Office: 918-259-7000 ext. 5233  
Mobile: 918-671-5112  
[tsmall@brokenarrowok.gov](mailto:tsmall@brokenarrowok.gov)  
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**From:** tyler@ellis-concrete.com <tyler@ellis-concrete.com>  
**Sent:** Friday, August 8, 2025 3:38 PM



**To:** Hopkins, Timothy <THopkins@brokenarrowok.gov>

**Cc:** Kohl, Nathanael <NKohl@brokenarrowok.gov>; Edwards, Blake <BEdwards@brokenarrowok.gov>; Small, Travis <TSmall@brokenarrowok.gov>; 'Stahle, Jeremy' <jeremy.stahle@kimley-horn.com>

**Subject:** RE: Brentwood testing Results

You don't often get email from [tyler@ellis-concrete.com](mailto:tyler@ellis-concrete.com). [Learn why this is important](#)

**CAUTION!** This email originated from outside of the City of Broken Arrow network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Tim,

It does not matter if you dry it out 1% its still going to be wet underneath and will continue to pump and not pass compaction, we retested the area that failed on Tuesday and still failed. Point is you can wait all day long and still wont pass and unfortunately that is time and money. Amber has sent a change order to you for you based on Kimbly Horns recommendation.

Thank you.

*Tyler W. Ellis*

918-845-6177 Office

918-978-0888 Cell

[Tyler@Ellis-Concrete.com](mailto:Tyler@Ellis-Concrete.com)

[Ellis-Concrete.com](http://Ellis-Concrete.com)



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**From:** Hopkins, Timothy <THopkins@brokenarrowok.gov>

**Sent:** Friday, August 8, 2025 2:50 PM

**To:** [tyler@ellis-concrete.com](mailto:tyler@ellis-concrete.com)

**Cc:** Kohl, Nathanael <NKohl@brokenarrowok.gov>; Edwards, Blake <BEdwards@brokenarrowok.gov>; Small, Travis <TSmall@brokenarrowok.gov>; Stahle, Jeremy <jeremy.stahle@kimley-horn.com>

**Subject:** RE: Brentwood testing Results

Tyler,

SP 32.0, which is the specification for bid Item No 115, states the following:

*32.4.2.4 Unless approved by the Contract Administrator, provide subgrade material with moisture content within 2 percentage points of optimum, in accordance with AASHTO T 99. Use mechanical tampers to compact sections of the subgrade inaccessible to rolling equipment.*

SpecTest results produced for ST Project No. 1386 Test No. 8 performed August 6, 2025 did not meet the specification related to optimum moisture. The supplied test results show the percent moisture as 20.7, the optimum moisture percentage for this proctor, supplied as SpecTest Sample No. S1334 is 15.7.

In addition, the technician for SpecTest provided a verbal result for two densities taken around 1:00 PM today. The percent moisture for those tests were approximately 10 percentage points higher than the optimum moisture percentage.

THx,

**Timothy A. Hopkins**

*City of Broken Arrow*

*Cellular: 539-900-2800*

---

**From:** [tyler@ellis-concrete.com](mailto:tyler@ellis-concrete.com) <[tyler@ellis-concrete.com](mailto:tyler@ellis-concrete.com)>

**Sent:** Friday, August 8, 2025 12:00 PM

**To:** Hopkins, Timothy <[THopkins@brokenarrowok.gov](mailto:THopkins@brokenarrowok.gov)>

**Cc:** Kohl, Nathanael <[NKohl@brokenarrowok.gov](mailto:NKohl@brokenarrowok.gov)>

**Subject:** Brentwood testing Results

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Hey Tim,

Please see attached Proctor, compaction on rock (passed) and subgrade (Failed), the subgrade we tested that you now wanted proctors on happen to be the proctors we used on test, so therefore the test conducted still stands as failed.

Thak you.

*Tyler W. Ellis*

918-845-6177 Office

918-978-0888 Cell

[Tyler@Ellis-Concrete.com](mailto:Tyler@Ellis-Concrete.com)

[Ellis-Concrete.com](http://Ellis-Concrete.com)





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**From:** Kohl, Nathanael  
**Sent:** Wednesday, August 6, 2025 3:58 PM  
**To:** Amber Wells; Hopkins, Timothy  
**Cc:** Tyler Ellis  
**Subject:** RE: Additional Work – Scarify Subgrade and 24-Hour Dry-Out Time

All,  
SP 34.4.2.4 states, “Unless approved by the Contract Administrator, provide subgrade material with moisture content within 2 percentage points of optimum, in accordance with AASHTO T 99. Use mechanical tampers to compact sections of the subgrade inaccessible to rolling equipment.”  
What did the lab determine was the optimal moisture content for the soil on site and what have your moisture contents been? If it is above optimum moisture content, then SP 34.4.2.8 says to correct or remove and aerate unstable material due to excess moisture in the top 12 inches of the subgrade at no additional cost to the Department.

**Nathan Kohl, P.E., CFM**

*Construction Division Manager  
Engineering and Construction Department*

**City of Broken Arrow**

**485 N. Poplar Ave.**

**Broken Arrow, OK 74012**

Office: 918-259-7000 ext. 7631 | Cell: 539-292-8929

[nkohl@brokenarrowok.gov](mailto:nkohl@brokenarrowok.gov) | [www.brokenarrowok.gov](http://www.brokenarrowok.gov)



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**From:** Amber Wells <Amber@ellis-concrete.com>  
**Sent:** Wednesday, August 6, 2025 2:07 PM  
**To:** Hopkins, Timothy <THopkins@brokenarrowok.gov>  
**Cc:** Kohl, Nathanael <NKohl@brokenarrowok.gov>; Tyler Ellis <tyler@ellis-concrete.com>  
**Subject:** Additional Work – Scarify Subgrade and 24-Hour Dry-Out Time

**CAUTION!** This email originated from outside of the City of Broken Arrow network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Tim,

Please see the attached Change Order Request regarding the City's directive to scarify the subgrade and allow 24 hours for drying.

Moving forward, please ensure that any changes or directives in the field are communicated directly to either Tyler or myself before proceeding. This is to ensure proper documentation, cost tracking, and coordination.

Let me know if you have any questions or need clarification on the change order.

Thank you!

Amber Wells

Director of Operations

Ellis Concrete Construction

---

**From:** Amber Wells <Amber@ellis-concrete.com>  
**Sent:** Wednesday, August 6, 2025 2:07 PM  
**To:** Hopkins, Timothy  
**Cc:** Kohl, Nathanael; Tyler Ellis  
**Subject:** Additional Work – Scarify Subgrade and 24-Hour Dry-Out Time  
**Attachments:** CHANGE ORDER REQUEST.pdf

**CAUTION!** This email originated from outside of the City of Broken Arrow network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Tim,

Please see the attached Change Order Request regarding the City's directive to scarify the subgrade and allow 24 hours for drying.

Moving forward, please ensure that any changes or directives in the field are communicated directly to either Tyler or myself before proceeding. This is to ensure proper documentation, cost tracking, and coordination.

Let me know if you have any questions or need clarification on the change order.

Thank you!  
Amber Wells  
Director of Operations  
Ellis Concrete Construction

---

**From:** Ashley Scrapper <ashley@ellis-concrete.com>  
**Sent:** Friday, August 8, 2025 2:56 PM  
**To:** Stahle, Jeremy  
**Cc:** Hopkins, Timothy; Tyler Ellis; Shadbolt, Cody; Kohl, Nathanael; Amber Wells  
**Subject:** Re: Ellis Concrete - Brentwood - Inlets

**CAUTION!** This email originated from outside of the City of Broken Arrow network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

We are aware of the process and procedures of install on inlets, again I want to be clear of the issues so you understand what is going on.

Inlet Boxes: They are not correct ID, therefore grates and hoods are not sitting properly & curvature of the road are all factors combined on bolts not able to go in. We agree with the detail Jeremy marked in red on how they should sit.

We have sent photos showing these issues.

Grouting: we only grout the grates & hood when we need to adjust elevation, which is standard practice. The drawing Jeremy sent does not show grout on install of grates or hoods which is standard practice, he only recommends it in red. We have sent photos showing these issues.

One issue I would like to address is the installed boxes. We have have been cutting the boxes on site per Tim's Directive to install throats, we have been cutting the box to have the throat (tongue & groove) sit inside the box and grout the joint, is that acceptable with you Jeremy? We have sent photos to Tim showing these issues.

If you would like to address the issues, we would be more than happy to have you send us a work directive and we can get you a price. Also I will be working on change orders next week for throats being added and new design boxes being made with throats. We will follow Kimley Horns proposed designation.

Thank you.

*Ashley M. Scrapper*

918-845-6177 Office

918-261-9687 Cell

*Ashley@Ellis-Concrete.com*

*Ellis-Concrete.com*





On Wed, 6 Aug 2025 at 10:27, Stahle, Jeremy <[Jeremy.Stahle@kimley-horn.com](mailto:Jeremy.Stahle@kimley-horn.com)> wrote:

Tim and Ashley,

Good morning! Attached is ODOT Std CI-2-3 with redline markups and additional direction on setting the frames and curb hoods on the inlets. Please let me know if you have any questions or concerns.

Have a great week!

**Jeremy Stahle, P.E. (AR, KS, OK, TX), CFM**  
**Kimley-Horn** | 1437 South Boulder Avenue, Suite 930, Tulsa, OK 74119

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**From:** Hopkins, Timothy <[THopkins@brokenarrowok.gov](mailto:THopkins@brokenarrowok.gov)>

**Sent:** Tuesday, August 5, 2025 9:12 AM

**To:** Ashley Scrapper <[ashley@ellis-concrete.com](mailto:ashley@ellis-concrete.com)>

**Cc:** Tyler Ellis <[tyler@ellis-concrete.com](mailto:tyler@ellis-concrete.com)>; Shadbolt, Cody <[Cody.Shadbolt@kimley-horn.com](mailto:Cody.Shadbolt@kimley-horn.com)>; Stahle, Jeremy <[Jeremy.Stahle@kimley-horn.com](mailto:Jeremy.Stahle@kimley-horn.com)>; Kohl, Nathanael <[NKohl@brokenarrowok.gov](mailto:NKohl@brokenarrowok.gov)>; Amber Wells <[amber@ellis-concrete.com](mailto:amber@ellis-concrete.com)>

**Subject:** Re: Ellis Concrete - Brentwood - Inlets

Jeremy,



Could you please clarify your installation instructions based on the knowledge that the inlet boxes produced by Oklahoma Precast are not the correct size and specifically addressing bolting the frame and hoods

Would it be possible to create a detail showing the mortar bed for the hood and frame along with the additional grout needed to transition from the hood and frames to eliminate water from infiltrating into the box along with any water escaping the box under the cast iron.

THx,

**Timothy A. Hopkins**

*City of Broken Arrow*

*Cellular: 539-900-2800*

Sent via the Samsung Galaxy S21+ 5G

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**From:** Ashley Scrapper <[ashley@ellis-concrete.com](mailto:ashley@ellis-concrete.com)>

**Sent:** Monday, August 4, 2025 5:37:44 PM

**To:** Hopkins, Timothy <[THopkins@brokenarrowok.gov](mailto:THopkins@brokenarrowok.gov)>

**Cc:** Tyler Ellis <[tyler@ellis-concrete.com](mailto:tyler@ellis-concrete.com)>; Shadbolt, Cody <[Cody.Shadbolt@kimley-horn.com](mailto:Cody.Shadbolt@kimley-horn.com)>; Stahle, Jeremy <[jeremy.stahle@kimley-horn.com](mailto:jeremy.stahle@kimley-horn.com)>; Kohl, Nathanael <[NKohl@brokenarrowok.gov](mailto:NKohl@brokenarrowok.gov)>; Amber Wells <[amber@ellis-concrete.com](mailto:amber@ellis-concrete.com)>

**Subject:** Re: Ellis Concrete - Brentwood - Inlets

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Hello Tim,

Yes, we are in agreement. We identified on July 1st that the boxes on site, I believe 7-14 were incorrect with cut sheets which were brought to your attention — not only when compared to the original field measurements with compared to plan line item was not true design intent from the beginning but also when reviewed against the submitted cut sheets. Additionally, the boxes are not a true Design 2, which has led to several other critical issues:

- Grates and hoods are overhanging the boxes improperly as well as the crew field having to manipulate the hoods to ensure curvature with the street making grates and hoods not sit properly. (see photos )
- Most importantly, we are now seeing water flow along the top of the retaining wall and running behind it. This presents a serious risk for long-term damage and could result in unnecessary demolition if not corrected.

This situation needs immediate attention and a clear resolution plan to prevent further impact on the project timeline and structural integrity. we have known about these issues for approx 45 days with kimley horn sending a revision yesterday.

Thank you,

Ashley Scrapper

Project Manager

On Thu, 31 Jul 2025 at 10:08, Hopkins, Timothy <[THopkins@brokenarrowok.gov](mailto:THopkins@brokenarrowok.gov)> wrote:

Ashley,

Please see below for the comments from Jeremy regarding the inlets, discussions with Oklahoma Pre-Cast and some installation instructions.

You will also find attached the approved submittals and inlet schedule markup. Note that some of the inlets are to be changed versus the previous iteration of the inlet schedule per Jeremy's instructions.

Based on discussions with Jeremy, I have revised the (V4) Inlet Schedule for clarification and to identify the revisions per the submittal approval.

Let me know if you have any questions!

THx,

**Timothy A. Hopkins**

*City of Broken Arrow*

*Cellular: 539-900-2800*

---

**From:** Stahle, Jeremy <[Jeremy.Stahle@kimley-horn.com](mailto:Jeremy.Stahle@kimley-horn.com)>

**Sent:** Wednesday, July 30, 2025 2:36 PM

**To:** Hopkins, Timothy <[THopkins@brokenarrowok.gov](mailto:THopkins@brokenarrowok.gov)>; Kohl, Nathanael <[NKohl@brokenarrowok.gov](mailto:NKohl@brokenarrowok.gov)>

**Cc:** Shadbolt, Cody <[Cody.Shadbolt@kimley-horn.com](mailto:Cody.Shadbolt@kimley-horn.com)>

**Subject:** RE: Ellis Concrete - Brentwood - Inlets

**CAUTION!** This email originated from outside of the City of Broken Arrow network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Tim and Nate! Attached is the Brentwood inlet submittal review along with comments on the curb inlet summary that Tim put together. I understand most of the inlets already installed, structures 1-8, will be modified in the field from a Des 2 to a variant with additional curb hoods. In reviewing the drainage patterns of the neighborhood along with old contour maps (the best data I have access to for evaluation), I propose that some of the inlets be further expanded to more closely match the existing inlets where I believe higher levels of



runoff need to be intercepted. The proposed inlet changes are marked on the submittal review as well as curb inlet summary in the far right hand column in red.

Concerning how the cast iron curb inlet and frame and grate bolt together and sit on the inlet structure, Tim and I met on site yesterday and took some measurements and discussed the issues with inlets to date. We found that all of the inlets stored in the right-of-way measured slightly smaller than the submittal cut sheet. The inside length of the Des 2 inlet is supposed to be 58 ¾" but was found to be 57 ¾". The inside width of the Des 2 inlet is supposed to be 25 ¼" but was found to be 24 ½". These minor differences, coupled with not properly placing the assembled frames and CICI's over the walls of the inlet, have led to significant widths of the walls to be exposed under the assembly. Even with the measured inside width being shorter than submitted, the inside wall along the back and the front should not be exposed more than ¾"-1" if the assembly is balanced properly over the walls.

I contacted Oklahoma Precast to inquire about the consistently shorter width and length of the inlets and they informed me that they've heard of this before but they are constructing the same inlets using the same forms that they've used over the past several years. I personally believe wear and tear of their forms along with straightening (or reshaping) the edges has slowly caused the inlets to lose length and width over time. I don't believe the current size of the inlets is a problem, as the real problem is not properly placing the assembly on the inlet. From what I've seen in the past, the top of inlet box typically receives a thin coat of grout before the assembly is laid and balanced on it. Sometimes the grout is thicker over part of the inlet to provide minor height adjustments and the correct slope to match the roadway grade. This layer of grout also helps provide a seal between the assembly and inlet.

I also noticed that some of the CICI's installed already were not bolted together and that has allowed gaps to form between the CICI's. By bolting the CICI's together, the gaps will be minimal and it will look better.

Please let me know if you have any questions or comments. Have a great day!

**Jeremy Stahle, P.E. (AR, KS, OK, TX), CFM**

**Kimley-Horn** | 1437 South Boulder Avenue, Suite 930, Tulsa, OK 74119

Office: 918 209 3191 | Direct: 918 890 5760 | Mobile: 918 770 3394

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**From:** Hopkins, Timothy <[THopkins@brokenarrowok.gov](mailto:THopkins@brokenarrowok.gov)>

**Sent:** Wednesday, July 23, 2025 2:23 PM

**To:** Ashley Scrapper <[ashley@ellis-concrete.com](mailto:ashley@ellis-concrete.com)>; Shadbolt, Cody <[Cody.Shadbolt@kimley-horn.com](mailto:Cody.Shadbolt@kimley-horn.com)>; Stahle, Jeremy <[Jeremy.Stahle@kimley-horn.com](mailto:Jeremy.Stahle@kimley-horn.com)>

**Cc:** Amber Wells <[amber@ellis-concrete.com](mailto:amber@ellis-concrete.com)>; Tyler Ellis <[tyler@ellis-concrete.com](mailto:tyler@ellis-concrete.com)>; Kohl, Nathanael <[NKohl@brokenarrowok.gov](mailto:NKohl@brokenarrowok.gov)>; Akerman, Rusty <[Rusty.Akerman@kimley-horn.com](mailto:Rusty.Akerman@kimley-horn.com)>

**Subject:** RE: Ellis Concrete - Brentwood - Inlets

Ashley,

I am forwarding these to Kimley Horn as they are the Engineer of Record and will be approving the submittal. Either Cody Shadbolt or Jeremy Stahle will review and approve.

Cody and Jeremey,

Ellis Concrete Construction has sent over the submittals for the inlets, please review the submittals at your earliest convenience.

THx,

**Timothy A. Hopkins**

*City of Broken Arrow*

*Cellular: 539-900-2800*

---

**From:** Ashley Scrapper <[ashley@ellis-concrete.com](mailto:ashley@ellis-concrete.com)>

**Sent:** Wednesday, July 23, 2025 2:16 PM

**To:** Hopkins, Timothy <[THopkins@brokenarrowok.gov](mailto:THopkins@brokenarrowok.gov)>

**Cc:** Amber Wells <[amber@ellis-concrete.com](mailto:amber@ellis-concrete.com)>; Tyler Ellis <[tyler@ellis-concrete.com](mailto:tyler@ellis-concrete.com)>

**Subject:** Ellis Concrete - Brentwood - Inlets

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Hi Tim,



Please see the attached cut-sheets for inlet boxes 10–21 for your review and approval. I've also attached the ODOT precast curb inlet designs 1, 2, and 3 for reference.

Tyler has been in contact with OP but has still not received the ODOT certification that supposedly justifies the 58" (ID) box size. I've spoken with several other precast companies, all of which confirm that the standard is 62" (ID). As shown on the attached cut-sheet, the boxes still reflect a 58" (ID).

Please let me know if you'd like us to obtain a quote from another precast company.

Thank you!

Ashley Scrapper

Project Manager

Ellis Concrete Construction

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*Ashley M. Scrapper*

918-845-6177 Office

918-261-9687 Cell

*Ashley@Ellis-Concrete.com*

*Ellis-Concrete.com*



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*Ashley@Ellis-Concrete.com*

*Ellis-Concrete.com*



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*Ashley M. Scrapper*

918-845-6177 Office

918-261-9687 Cell

*Ashley@Ellis-Concrete.com*

*Ellis-Concrete.com*



---

**From:** Edwards, Blake  
**Sent:** Monday, August 11, 2025 2:44 PM  
**To:** Amber Wells  
**Cc:** Tyler Ellis; Kohl, Nathanael; Vardasco, Joe  
**Subject:** RE: Urgent - Written Work Directive Needed - Meadow Heights & Brentwood

Amber

The remediation steps you mentioned are those which were given to us by the EOR in a response to an RFI related to the matter. I am out of the office for the afternoon but will talk with Joe about this first thing in the morning to see if there is still any confusion that needs resolving.

Thanks,

**Blake Edwards**

*Construction Project Engineer  
Engineering & Construction Department*

**City of Broken Arrow**

**485 N. Poplar Ave**

**Broken Arrow, OK 74013**

Office: 918-259-7000 ext. 7632 | mobile: 918-510-7883

[BEwards@brokenarrowok.gov](mailto:BEwards@brokenarrowok.gov) | [www.brokenarrowok.gov](http://www.brokenarrowok.gov)



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**From:** Amber Wells <[Amber@ellis-concrete.com](mailto:Amber@ellis-concrete.com)>  
**Sent:** Monday, August 11, 2025 2:09 PM  
**To:** Edwards, Blake <[BEwards@brokenarrowok.gov](mailto:BEwards@brokenarrowok.gov)>  
**Cc:** Tyler Ellis <[tyler@ellis-concrete.com](mailto:tyler@ellis-concrete.com)>; Kohl, Nathanael <[NKohl@brokenarrowok.gov](mailto:NKohl@brokenarrowok.gov)>  
**Subject:** Urgent - Written Work Directive Needed - Meadow Heights & Brentwood

You don't often get email from [amber@ellis-concrete.com](mailto:amber@ellis-concrete.com). [Learn why this is important](#)

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Blake,



I wanted to bring to your attention an urgent matter preventing us from moving forward at Meadow Heights Brentwood.

The remediation steps outlined by Inspector Joe —

- Over-excavate 18” of unsuitable material
- Drain, scarify, and compact the subgrade as best as possible (per Subgrade Method B)
- Install separator fabric to wrap remediation material
- Install a 9” lift of Type (A) Aggregate Base (compact per specs)
- Install another layer of separator fabric to wrap material
- Install another 9” lift of Type (A) Aggregate Base (compact per specs)

Do not align with the conversation we had in the field on Tuesday, August 5th. In that meeting, Nathan specifically stated that geogrid was being used throughout the City of Broken Arrow. Spectest has been on site multiple times, and the directives given in the field do not match recommendations from either the testing engineer or Kimley-Horn.

Additionally, the extra excavation being required is creating greater depth that must be backfilled with rock, further impacting quantities and cost. I have attached a video from this morning showing the probe going in over 4 feet, clearly illustrating the extent of unsuitable material being removed.

We currently have too many failed tests on record. Joe has been giving verbal instructions to place rock and continue in failed areas. We cannot proceed without a written work directive that clearly states whose recommended directive we are following and authorizes continuation in these areas (with the additional depth accounted for).

Until we receive this written directive and approved change order, Ellis Concrete will be unable to move forward with this project.

FYI- we are also at a standstill on Brentwood due to the same issues.

Please advise on the next steps so we can proceed without further delay.

Amber Wells

Director of Operations

Ellis Concrete Construction

\_IMG\_0742 (1).MOV

---

**From:** Small, Travis  
**Sent:** Tuesday, August 12, 2025 5:08 PM  
**To:** Vardasco, Joe; Stahle, Jeremy; Hopkins, Timothy; Kohl, Nathanael; Edwards, Blake  
**Subject:** RE: Meadow & Brentwood

I figured this was the case...

**Travis Small, PE, CFM**  
*Transportation Division Manager*  
*Engineering & Construction Department*

**City of Broken Arrow**  
**485 N. Poplar Avenue**  
**Broken Arrow, OK 74012**  
Office: 918-259-7000 ext. 5233  
Mobile: 918-671-5112  
[tsmall@brokenarrowok.gov](mailto:tsmall@brokenarrowok.gov)  
[www.brokenarrowok.gov](http://www.brokenarrowok.gov)  
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---

**From:** Vardasco, Joe <JVardasco@brokenarrowok.gov>  
**Sent:** Tuesday, August 12, 2025 5:05 PM  
**To:** Small, Travis <TSmall@brokenarrowok.gov>; Stahle, Jeremy <Jeremy.Stahle@kimley-horn.com>; Hopkins, Timothy <THopkins@brokenarrowok.gov>; Kohl, Nathanael <NKohl@brokenarrowok.gov>; Edwards, Blake <BEwards@brokenarrowok.gov>  
**Subject:** Re: Meadow & Brentwood

This is always pointed out during the preconstruction meetings, and is noted there in.

Sent via the Samsung Galaxy S21 Ultra 5G, an AT&T 5G smartphone  
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---

**From:** Small, Travis <TSmall@brokenarrowok.gov>  
**Sent:** Tuesday, August 12, 2025 4:54:32 PM  
**To:** Vardasco, Joe <JVardasco@brokenarrowok.gov>; Stahle, Jeremy <Jeremy.Stahle@kimley-horn.com>; Hopkins, Timothy <THopkins@brokenarrowok.gov>; Kohl, Nathanael <NKohl@brokenarrowok.gov>; Edwards, Blake <BEwards@brokenarrowok.gov>  
**Subject:** RE: Meadow & Brentwood



Do we have anything in our contract, or our standard operating procedure, which states all communications should be directed through the City?

Contractor to City to Consultant & vice versa?

If we do, I recommend sending an email tomorrow that re-states this expectation to Ellis. Kimley-Horn has already been advised to direct all communications back through us.

**Travis Small, PE, CFM**  
*Transportation Division Manager*  
*Engineering & Construction Department*

**City of Broken Arrow**  
**485 N. Poplar Avenue**  
**Broken Arrow, OK 74012**  
Office: 918-259-7000 ext. 5233  
Mobile: 918-671-5112  
[tsmall@brokenarrowok.gov](mailto:tsmall@brokenarrowok.gov)  
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**From:** Vardasco, Joe <[JVardasco@brokenarrowok.gov](mailto:JVardasco@brokenarrowok.gov)>  
**Sent:** Tuesday, August 12, 2025 3:48 PM  
**To:** Small, Travis <[TSmall@brokenarrowok.gov](mailto:TSmall@brokenarrowok.gov)>; Stahle, Jeremy <[Jeremy.Stahle@kimley-horn.com](mailto:Jeremy.Stahle@kimley-horn.com)>; Hopkins, Timothy <[THopkins@brokenarrowok.gov](mailto:THopkins@brokenarrowok.gov)>; Kohl, Nathanael <[NKohl@brokenarrowok.gov](mailto:NKohl@brokenarrowok.gov)>; Edwards, Blake <[BEwards@brokenarrowok.gov](mailto:BEwards@brokenarrowok.gov)>  
**Subject:** RE: Meadow & Brentwood

How do you respond to something like this?

**Joseph R. Vardasco**  
*Contract Administrator-Utility Inspector*  
*Engineering & Construction Department*

**City of Broken Arrow**  
**485 N. Poplar Ave**  
**Broken Arrow, OK 74013**  
Office: 918-259-2400 | mobile: 918-857-0323  
[jvardasco@brokenarrowok.gov](mailto:jvardasco@brokenarrowok.gov) | [www.brokenarrowok.gov](http://www.brokenarrowok.gov)



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---

**From:** Small, Travis <[TSmall@brokenarrowok.gov](mailto:TSmall@brokenarrowok.gov)>

**Sent:** Tuesday, August 12, 2025 2:43 PM

**To:** Stahle, Jeremy <[Jeremy.Stahle@kimley-horn.com](mailto:Jeremy.Stahle@kimley-horn.com)>; Hopkins, Timothy <[THopkins@brokenarrowok.gov](mailto:THopkins@brokenarrowok.gov)>; Kohl, Nathanael <[NKohl@brokenarrowok.gov](mailto:NKohl@brokenarrowok.gov)>; Vardasco, Joe <[JVardasco@brokenarrowok.gov](mailto:JVardasco@brokenarrowok.gov)>; Edwards, Blake <[BEwards@brokenarrowok.gov](mailto:BEwards@brokenarrowok.gov)>

**Subject:** RE: Meadow & Brentwood

Thanks Jeremy for sending this our way. We will visit internally before replying to his comments below. When we do, we will reiterate appropriate flow of communications.

**Travis Small, PE, CFM**

*Transportation Division Manager*

*Engineering & Construction Department*

**City of Broken Arrow**

**485 N. Poplar Avenue**

**Broken Arrow, OK 74012**

Office: 918-259-7000 ext. 5233

Mobile: 918-671-5112

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**From:** Stahle, Jeremy <[Jeremy.Stahle@kimley-horn.com](mailto:Jeremy.Stahle@kimley-horn.com)>

**Sent:** Tuesday, August 12, 2025 2:31 PM

**To:** Hopkins, Timothy <[THopkins@brokenarrowok.gov](mailto:THopkins@brokenarrowok.gov)>; Kohl, Nathanael <[NKohl@brokenarrowok.gov](mailto:NKohl@brokenarrowok.gov)>; Small, Travis <[TSmall@brokenarrowok.gov](mailto:TSmall@brokenarrowok.gov)>

**Subject:** FW: Meadow & Brentwood

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Good afternoon, Team! I'm forwarding a rambling email, lacking punctuation, from Tyler Ellis that I just received. In talking with him yesterday about the drainage inlet problems and how to construct them properly per my email direction, he took the opportunity to complain about COBA as well direction received from both Tim and Joe that supposedly contradict what the plans show. After patiently listening to his complaints, I told him that all of the issues he was discussing need to be communicated directly with COBA as my role on the project is to support COBA through addressing material submittals, RFIs and other issues that come up as requested by COBA. He continued his complaints in his email below. Our construction team has likely already heard these complaints, but I wanted to forward it anyway just to be sure.



Have a great day!

**Jeremy Stahle, P.E. (AR, KS, OK, TX), CFM**

**Kimley-Horn** | 1437 South Boulder Avenue, Suite 930, Tulsa, OK 74119

Office: 918 209 3191 | Direct: 918 890 5760 | Mobile: 918 770 3394

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**From:** [tyler@ellis-concrete.com](mailto:tyler@ellis-concrete.com) <[tyler@ellis-concrete.com](mailto:tyler@ellis-concrete.com)>

**Sent:** Tuesday, August 12, 2025 2:14 PM

**To:** Stahle, Jeremy <[Jeremy.Stahle@kimley-horn.com](mailto:Jeremy.Stahle@kimley-horn.com)>

**Cc:** Amber R. Wells <[amber@ellis-concrete.com](mailto:amber@ellis-concrete.com)>; [ashley@ellis-concrete.com](mailto:ashley@ellis-concrete.com)

**Subject:** Meadow & Brentwood

Hey Jermey,

Per our phone conversation regarding COBA (Joe V) Email, on his recommendation that is going against industry standard and practice. I can't move forward with that directive due to time is money like we discussed on the phone, and the reason for disputing quantities of Dirt & Rock. The dirt is being counted with loads the trucks have load gages (concrete is thin all over both projects) Rock is weighed at the quarry and provided with a weight ticket (installing of rock on pour sub grade is compressing into the muddy clay)

In our previous emails you will see the test results, time frame of holes being open and to their claim of not allowing it to dry. So we took it upon our self to proof that exact point and tested a hole that has been open for two weeks just for back up to the claims we already knew Joe & Now Tim will make. It has been stated very clear at the beginning of Brentwood that quantities bought & installed would be quantities paid due to the poor subgrade & water not flowing, On the very first pour we did in Washington Circle due to matching existing elevation (contract states no more than 1/8" in elevation change) that is when we were told by Tim a verbal directive (which is allowed at the COBA) that he wanted to ensure water flows, I then talked to him about subgrade and how it was all pretty bad and that it would be unlikely to get 95% he agreed and chose not to test subgrade put to still do Method B which we have and to still get 95% compaction on rock which we have. He ensured to me again quantities bought & installed would be paid so from that forward on that is what we were doing without a issue until we started meadow heights and that's when everything has been downhill from there. We were told in pre-construction meeting it would be the same as Brentwood and joe still to this day after 60+ days has not only confused our guys instructed our guys to not follow your plans and many other things that I personally had to tell him no on several issues from him wanting to cut new concrete only based off your joint sheet, not installing fabric properly, wanting 8" rock instead of 6", sidewalks not even close to ADA guidelines, installing expansion in 3 panels before he realized that was incorrect, the list goes on and on! And now this has all bleed over to Brentwood. We have currently almost two blocks opened up on both Meadow Heights and Brentwood and cannot proceed further due to the COBA carelessness of our concerns for over 60 days.

*Tyler W. Ellis*

918-845-6177 Office

918-978-0888 Cell

[Tyler@Ellis-Concrete.com](mailto:Tyler@Ellis-Concrete.com)

[Ellis-Concrete.com](http://Ellis-Concrete.com)







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**From:** Stahle, Jeremy <Jeremy.Stahle@kimley-horn.com>

**Sent:** Tuesday, August 12, 2025 2:31 PM

**To:** Hopkins, Timothy <THopkins@brokenarrowok.gov>; Kohl, Nathanael <NKohl@brokenarrowok.gov>; Small, Travis <TSmall@brokenarrowok.gov>

**Subject:** FW: Meadow & Brentwood

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Good afternoon, Team! I'm forwarding a rambling email, lacking punctuation, from Tyler Ellis that I just received. In talking with him yesterday about the drainage inlet problems and how to construct them properly per my email direction, he took the opportunity to complain about COBA as well direction received from both Tim and Joe that supposedly contradict what the plans show. After patiently listening to his complaints, I told him that all of the issues he was discussing need to be communicated directly with COBA as my role on the project is to support COBA through addressing material submittals, RFIs and other issues that come up as requested by COBA. He continued his complaints in his email below. Our construction team has likely already heard these complaints, but I wanted to forward it anyway just to be sure.

Have a great day!

**Jeremy Stahle, P.E. (AR, KS, OK, TX), CFM**

**Kimley-Horn** | 1437 South Boulder Avenue, Suite 930, Tulsa, OK 74119

Office: 918 209 3191 | Direct: 918 890 5760 | Mobile: 918 770 3394

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**From:** tyler@ellis-concrete.com <tyler@ellis-concrete.com>

**Sent:** Tuesday, August 12, 2025 2:14 PM

**To:** Stahle, Jeremy <Jeremy.Stahle@kimley-horn.com>

**Cc:** Amber R. Wells <amber@ellis-concrete.com>; ashley@ellis-concrete.com

**Subject:** Meadow & Brentwood

Hey Jermey,

Per our phone conversation regarding COBA (Joe V) Email, on his recommendation that is going against industry standard and practice. I can't move forward with that directive due to time is money like we discussed on the phone, and the reason for disputing quantities of Dirt & Rock. The dirt is being counted with loads the trucks have load gages (concrete is thin all over both projects) Rock is weighed at the quarry and provided with a weight ticket (installing of rock on pour sub grade is compressing into the muddy clay)

In our previous emails you will see the test results, time frame of holes being open and to their claim of not allowing it to dry. So we took it upon our self to proof that exact point and tested a hole that has been open for two weeks just for back up to the claims we already knew Joe & Now Tim will make. It has been stated very clear at the beginning of Brentwood that quantities bought & installed would be quantities paid due to the poor subgrade &

water not flowing, On the very first pour we did in Washington Circle due to matching existing elevation (contract states no more than 1/8" in elevation change) that is when we were told by Tim a verbal directive (which is allowed at the COBA) that he wanted to ensure water flows, I then talked to him about subgrade and how it was all pretty bad and that it would be unlikely to get 95% he agreed and chose not to test subgrade put to still do Method B which we have and to still get 95% compaction on rock which we have. He ensured to me again quantities bought & installed would be paid so from that forward on that is what we were doing without a issue until we started meadow heights and that's when everything has been downhill from there. We were told in pre-construction meeting it would be the same as Brentwood and joe still to this day after 60+ days has not only confused our guys instructed our guys to not follow your plans and many other things that I personally had to tell him no on several issues from him wanting to cut new concrete only based off your joint sheet, not installing fabric properly, wanting 8" rock instead of 6", sidewalks not even close to ADA guidelines, installing expansion in 3 panels before he realized that was incorrect, the list goes on and on! And now this has all bleed over to Brentwood. We have currently almost two blocks opened up on both Meadow Heights and Brentwood and cannot proceed further due to the COBA carelessness of our concerns for over 60 days.

**Tyler W. Ellis**

918-845-6177 Office

918-978-0888 Cell

[Tyler@Ellis-Concrete.com](mailto:Tyler@Ellis-Concrete.com)

[Ellis-Concrete.com](http://Ellis-Concrete.com)





---

**From:** Amber Wells <Amber@ellis-concrete.com>  
**Sent:** Friday, August 15, 2025 2:21 PM  
**To:** Bright, Charlie  
**Cc:** tyler@ellis-concrete.com; Edwards, Blake; Kohl, Nathanael  
**Subject:** Re: Meeting Re-Cap Letter Invalid

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Hello Mr. Bright,

Thank you for your email. We agree that a meeting is necessary to work through the concerns and outstanding issues on this project. We would like to schedule this meeting for **Wednesday, August 27th**, at a time convenient for you and your team.

Ellis Concrete will come prepared with a detailed list of concerns and supporting documentation, organized in writing as you requested. We will also be prepared to discuss remedies and our plan for completing the work.

Please confirm if August 27th works for your schedule, and let us know the time and location.

Thank you,  
Amber Wells  
Operations Director  
Ellis Concrete Construction

On Thu, 14 Aug 2025 at 21:52, Bright, Charlie <[CBright@brokenarrowok.gov](mailto:CBright@brokenarrowok.gov)> wrote:

Hello Tyler,

I am extremely concerned by the email that was submitted below to the City Manager. I am not aware of a single other contractor at Broken Arrow that has tried to circumvent the project team, the Construction Division Manager, the Director of Engineering, and the Assistant City Manager over Operations. Our relationship with Ellis Concrete is set by a contract. That contract governs how the work will be done, how each party will be represented, and how both parties are to handle any disputes. I personally consider the email below as a breach of contract and an attempt to circumvent the process that you agreed to when you bid the work at the City of Broken Arrow and to gain some sort of favor that goes above and beyond the terms of the contract.

I would like to meet with you and discuss our issues. I will have Nate join us if he is back in town, if he is not, then I'll have Blake join us. If we are discussing the work, and performance of the work, I may also have our consultant join us. In this meeting, me and my team will be prepared to discuss your failures to meet your obligations in the contract in multiple ways. I would appreciate you all showing up with a plan on how you intend to remedy these situations and proceed with completing the work on this project.

We can also discuss any grievances or concerns you have. Given how the project has gone, how our relationship seems to be right now, and the email below, I would like to reiterate that all issues will be resolved strictly in accordance with our contract. Accordingly, I would appreciate if you show up with all of your concerns broken out and detailed individually in writing, and tied back to language in the contract if appropriate. We will be happy to read them and attempt to address them at the meeting. It may be more productive for me to address any issues if you submit those items to me prior to the meeting, but that is up to you.

My calendar is nearly full, but if you let me know a few times that you all are available to meet, I will try to move some other meetings to make one of them work.

In the meantime, I am not fully up to speed on the current conditions of the work, but I would expect all work that can to proceed in accordance with the contract. This is not a pause in work or contract time. In particular, I would expect all effort to be made to make sure all residences have access to their house and their driveways in a timely manner.

Thanks,

**Charlie Bright, P.E.**

*Director of Engineering & Construction*

*Engineering & Construction Department*

**City of Broken Arrow**

**485 N. Poplar Avenue**

**Broken Arrow, OK 74012**

Office: 918-259-2400 ext. 7389 |





---

**From:** Spurgeon, Michael <[MSpurgeon@brokenarrowok.gov](mailto:MSpurgeon@brokenarrowok.gov)>

**Sent:** Thursday, August 14, 2025 5:23 PM

**To:** [tyler@ellis-concrete.com](mailto:tyler@ellis-concrete.com)

**Cc:** Amber R. Wells <[amber@ellis-concrete.com](mailto:amber@ellis-concrete.com)>; Bright, Charlie <[CBright@brokenarrowok.gov](mailto:CBright@brokenarrowok.gov)>; Schwab, Kenneth <[kschwab@brokenarrowok.gov](mailto:kschwab@brokenarrowok.gov)>

**Subject:** Re: Meeting Re-Cap Letter Invalid

Tyler,

I appreciate you reaching out to my office and sharing your concerns.

Yesterday afternoon, our Director of Engineering & Construction, Charlie Bright, spent some time with me and brought me up to speed on the situation. Based on that discussion, I would highly encourage you and your team to meet directly with Mr. Bright and his staff to work through these issues.

Most importantly, I need to emphasize a couple of things. First, the importance of following the contract as written. I am not a proponent of change orders in any way, shape, or form, so any deviations from the contract must be handled appropriately and with proper approvals.

Additionally, I understand there are driveways currently blocked from your work. This issue needs to be addressed as soon as practical. While I have not received calls from any residents at this point, I certainly expect any inconvenience they are experiencing in accessing their driveways to be resolved promptly.

Again, thank you for bringing this matter to my attention. I will ask Mr. Bright to keep me updated on your progress toward resolving these issues.

Respectfully,

Michael L. Spurgeon

City Manager

On Aug 13, 2025, at 1:34 PM, [tyler@ellis-concrete.com](mailto:tyler@ellis-concrete.com) wrote:

You don't often get email from [tyler@ellis-concrete.com](mailto:tyler@ellis-concrete.com). [Learn why this is important](#)

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Hello Michael,

My name is Tyler Ellis I'm the Owner of Ellis Concrete Construction LLC, we are currently doing two projects for the COBA (Brentwood & Meadow Heights)

This email thread I'm forwarding is regards to a meeting between Ellis & COBA (Nathan, Tim, Joe) to discuss the current changes they are now wanting along with clarity for Ellis Concrete on why the sudden change after 5+ Months.

We started Brentwood Project back end of Feb 2025, we have had some issues with that project from the start and a lot of the issues were worked out on the very first pour we did due to water not flowing, Tim stated onsite to my CM & Superintendent on march 4<sup>th</sup> 2025 that the section we poured on Washington circle was holding water, we told him it was previously holding water and that the contract stated we could not change existing elevation by 1/8" Tim at that point gave them a verbal directive to raise elevation to ensure water flow, on march 5<sup>th</sup> I met time onsite to discuss the directive and touch base on some other issues. Subgrade quality being one I informed Tim that due to poor subgrade we would not get 95% he agreed and directed us to still continue on with Subgrade method B but do not test. I told him the only concern would be our rock quantities due to the compression of the rock into subgrade would intel using more rock to bridge to correct elevation and would allow 95% compaction on rock instead of 98% compaction. Tim reassured me and the team that what quantities were installed would be quantities paid to Ellis Concrete, Ellis took those verbal directives and continued without delay. We have been paid on every material ticket and verified quantities on every single Pay-App at the time stated in contract documents every two weeks.



Meadow Heights: We started this project end of May 2025, I hate to say this but this project from the start has been a nightmare dealing with City Administrator Joe. He has repeatedly confused, redirected & made calls outside his job title.

1. Requesting 8" Rock when its 6"
2. Doesn't want separator fabric in middle lane (plan calls for it)
3. Directing our crew to drive equipment over copper water lines.
4. Directing crew to install expansion when its not needed.
5. Requesting 98% compaction when its 95% compaction.
6. Requesting proctors for subgrade (was not testing)
7. Directly telling concrete truck drivers (suppliers) to leave the job with full truck resulting and two trucks being replaced at not the direction of Ellis Concrete
8. Directing the crew on how to do their job (all Crew Members)
9. Refusing to measure in the field and stay with in guidelines (Nathan finally made him do it)
10. Refusing to pay for patching because he didn't get to see it (his job is to inspect daily)
11. Refusing to pay unclassified excavation at all.
12. Refusing to pay separator fabric.
13. Refusing to give us Mobilization.
14. Refusing to give us flyer cost for residence.
15. Refusing any inlet protection unless he says to.
16. Arguing with all of Ellis Concrete even me over pay-apps (took him over a month to get pay-app 1 still have not received pay-app 2)
17. Directing us to pour concrete on failed material (hickory ave)
18. Directing the crew to pour sidewalks out of ADA (I had to personally shut that concrete pour down due to safety)
19. Directing the crew on issues and changing them daily
20. Directing the crew on subgrade remedy (two engineer recommendations he is not following)
21. His verbal directives are turning into more of less blackmail or threats
22. Requesting ppl of the crew to leave if they say anything to his outlandish verbal directives. (7 ppl have been relocated to other projects & refused to work with him)
23. His verbal directives do not align with industry standards. Subgrade, sidewalks, cutting, Etc..
24. Directing Ellis to put out road close sign but can't close road.
25. Directing us to stop demo for a week just to tell us a week later to pick a spot I cant tell you where to go.

We were told in the Pre-construction meeting that this project is the same as Brentwood and shall follow due to the nature of plans, contract, addendum 1 all contradicting itself. Like I said earlier we have gotten through all issues on Brentwood and have stayed productive and with in budget. This is now not the case Joe has leached over into Brentwood and has now made both projects come to a stop. Ellis Concrete held a meeting Aug 5<sup>th</sup> to hopefully get this addressed and get things back on tract. In the meeting we were told several things would happen one being pay-app 2 getting approved and paid on that Friday and the new work directives Tim would be sending because we were becoming very un-easy with verbal directives that both Tim and Joe stated they have the ability to do so without any approval. Tim, we haven't been worried about because he has followed through with everything he stated and was easy to work with at the time but due to the impact joe has made we could no longer do that. Nathan stated he was leaving for a trip and

would ensure all the change orders and work directives would be done. Right before Nathan leaves, he sends a letter that was well frankly a bold face lie, every bit of it! I went back to the audio recording from the meeting minutes and confirmed what was said and what he wrote does not align.

One example, "Nathan stated he wants forms set for concrete panels coming out directly across but says do not fill the void with rock" we told him that's a safety concern and he specifically said "if they drive in it that's on them, they review claims all the time and get denied because they should be paying attention" at the end of the day Michael, the residents must cross the middle lane to enter their home. (He states in recap meeting letter he directed us to put rock)

Michael due to the decisions by joe these projects have now cost Ellis Concrete & COBA more money and time, we have set back for 2+ months trying to get paid and deal with someone who one minute apologizing to me that I was right and the next day starting it all over again. I can't do anything that is unsafe or not to standard for the client, residents & COBA. I hope you understand my frustration and my teams; I would be more than happy to discuss this with you further if you would like but I cant sit by and watch your employee representing the city name call or be little my staff in any way or form. Joe has stated multiple times he does mind going to court if we want. That is unacceptable from a tax payer employee when my Staff have proven him wrong time and time again and still try to work with him! For over 2+ months and this is how he talks to them (email Thread below), the man just does not want to be wrong which is not what construction industry is about, we are always learning new things and striving to adapt even when we are wrong. Ellis Concrete has documentation to these claims.

This email is to ensure that every effort has been made to ensure a resolution to these matters,

Thank you.

Tyler W. Ellis

Owner/Operator

918-845-6177 Office

918-978-0888 Cell

[Tyler@Ellis-Concrete.com](mailto:Tyler@Ellis-Concrete.com)





---

**From:** Amber Wells <[Amber@ellis-concrete.com](mailto:Amber@ellis-concrete.com)>  
**Sent:** Tuesday, August 12, 2025 12:16 PM  
**To:** Vardasco, Joe <[JVardasco@brokenarrowok.gov](mailto:JVardasco@brokenarrowok.gov)>  
**Cc:** Tyler Ellis <[tyler@ellis-concrete.com](mailto:tyler@ellis-concrete.com)>; Kohl, Nathanael <[NKohl@brokenarrowok.gov](mailto:NKohl@brokenarrowok.gov)>; Edwards, Blake <[BEwards@brokenarrowok.gov](mailto:BEwards@brokenarrowok.gov)>  
**Subject:** Re: Remedy for additional excavation requirements - Response

Joe,

Following the August 5th meeting with Nathan, Ellis Concrete is awaiting multiple written work directives, as Nathan stated would be issued by the following Friday August 8th. These directives were to include:

1. **Subgrade Cost** – Extra removal at unit price, paid on removal, verified tickets.
2. **Pumping Cost** – When the ground is purking, pumping water as a change order cost.
3. **Geo Grid Cost** – Change order already submitted; both Spec Test and Kimley-Horn recommendations have been denied by COBA.
4. **Rock Cost** – Extra install at unit price, paid on verified tickets, due to failed subgrade and raising elevation for water flow.
5. **Coolant Cost** – Double coolant, paid at cost, due to project delays and change orders.

6. **Rock Placement (Behind Forms)** – Install cost based on labor and material.
7. **Inlets Cost** – Additional boxes and repairs due to incorrect info/oversight by COBA.
8. **Sidewalk** – Correction required to meet ADA standards.
9. **Project Days** – No penalty due to project issues, weather delays, resident parking, and change orders.

At this time, Ellis Concrete cannot move forward on either project until we have these directives in writing. Field instructions that conflict with two engineering recommendations and standard industry practice expose the project to future liability and do not protect the City, the residents, or the contractor.

If COBA intends to proceed with installing rock over failed material per your recommendation, we require a written work directive confirming that Ellis Concrete will not be held liable for any future subgrade integrity issues, and that unclassified excavation and Type A aggregate will be paid on verified tickets as has been done on Brentwood since day one.

We have followed the testing protocol discussed at the Aug 5th meeting, We had Spectest come out that day, the results are documented in a previous email. Ellis also tested in the location that has been open for over two weeks with no rain, to justify the exact claim you are stating in the email, the subgrade still failed, supporting our position that the underlying issue remains unresolved. I have spoke with Mr. Ellis has spoken with Jermey (KH) about your recommendation and he is very confused as well on why you would excavate down and not fix the issue?

Our position is not to delay the project but to ensure the work performed meets engineering standards, contractual requirements, and community safety expectations. Proceeding without written direction risks the integrity of the work and puts all parties at risk. We have been bringing these concerns to your attention for 60+ days, this is why Ellis had scheduled a field meeting with you, Tim, and your boss Nathan.

Joe, for Blake to be involved is not new, he has been involved in emails for months. Since Nathan is out of town Blake is the next person in position to receive these updates. This project has gone past the point of just dealing with you and now has moved up the chain of command.

We respectfully request these directives be issued in writing immediately so the projects can resume without further delay.

Ellis Concrete Construction

On Mon, 11 Aug 2025 at 17:34, Vardasco, Joe <[JVardasco@brokenarrowok.gov](mailto:JVardasco@brokenarrowok.gov)> wrote:

Amber,





will be measured with the contractor and agreed to in the field. Once that is done, that will be the end of discussion. We will not keep going back to day 1 to rediscuss the same issues repeatedly. I will be present for all testing. As for you disputing quantities based on me giving you instructions to place rock in areas that have failed is ridiculous. That is a statement made for the whole project, to which would be an outright false statement. The contract called out for you to have the Administrator or Inspector present for testing. This has not happened. Although as we talked this morning and we agreed to give me a call when testing is to take place. As for the area in question on W. El Paso Pl. and S. Hickory Pl. on the North side of the road working East and ending at S. Hickory Ave. This area became a back and forth with Ellis. First it was too wet, and I asked for it to be pumped out. That never happened. Then it was Ellis conducting a probe test, and it went 4 foot deep and failed the probe test in this full stretch, and the whole subgrade needed to come out. There is no probe test that I'm aware of or heard of? So, I told Ellis to over excavate an additional foot and add aggregate base rock. Then Ellis says its still holding water and again I tell Ellis to pump out the water and again this does not happen. Ellis tells me they are probing to 4 foot down and the subgrade is bad just like the whole subgrade is bad throughout subdivision. We told Ellis to go 18 inches down during the on-site meeting and Ellis was fine with everything, but when the meeting was over, it was like all that we discussed never happened. And we are back to day 1. Then Ellis tells me they want an engineer's remedy of how to go about fixing the subgrade issue. So, I go in the office to find out Ellis had gone around me to the project engineer and then ask me if they are to proceed at his recommendation and here is my cost. "NOT GOOD BUSINESS PRACTICE, AT ALL!"

I will Keep this real professional. Keep to the contract! Stop making accusations and putting words into people's mouth.

Ellis Concrete and Construction LLC,

***Will follow the directives of:***

Joe Vardasco, Contract Administrator-Utility Inspector, Engineering & Construction Department

Nathan Kohl, P.E., CFM Construction Division Manager, Engineering & Construction

Charlie Bright, P.E. Director Engineering & Construction

Kennith Schwab, P.E. Assistant City Manager

**Joseph R. Vardasco**

*Contract Administrator-Utility Inspector*



**City of Broken Arrow**

**485 N. Poplar Ave**

**Broken Arrow, OK 74013**

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**From:** Amber Wells <[Amber@ellis-concrete.com](mailto:Amber@ellis-concrete.com)>

**Sent:** Monday, August 11, 2025 1:48 PM

**To:** Vardasco, Joe <[JVardasco@brokenarrowok.gov](mailto:JVardasco@brokenarrowok.gov)>

**Cc:** Tyler Ellis <[tyler@ellis-concrete.com](mailto:tyler@ellis-concrete.com)>; Kohl, Nathanael <[NKohl@brokenarrowok.gov](mailto:NKohl@brokenarrowok.gov)>

**Subject:** Re: Remedy for additional excavation requirements

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IMG\_0742 (1).MOV

Joe,

The remediation steps you outlined —

1. Over-excavate 18" of unsuitable material
2. Drain, scarify, and compact the subgrade as best as possible (per Subgrade Method B)
3. Install separator fabric to wrap remediation material
4. Install a 9" lift of Type (A) Aggregate Base (compact per specs)
5. Install another layer of separator fabric to wrap material
6. Install another 9" lift of Type (A) Aggregate Base (compact per specs)

— do not align with the conversation we had in the field on Tuesday, August 5th, at Meadow Heights.

In that meeting, Nathan specifically stated that geogrid was being used throughout the City of Broken Arrow. Spectest has been on site multiple times. The directives you have given in the field do not align with the recommendations from either the testing engineer or Kimley-Horn.

Additionally, the extra excavation you are requiring is creating greater depth that must be backfilled with rock, further impacting quantities and cost. I have attached a video from this morning showing the probe going in over 4 feet, clearly demonstrating the extent of unsuitable material being removed.

Because of these discrepancies, Ellis Concrete cannot proceed without a written work directive specifying the rock quantities to be installed. We have too many failed tests on record. You have given verbal instructions to place rock and continue in areas that have failed, which is why we are disputing quantities at this time.

We need clarity on whose recommended directive we are following. Until we receive a written work directive and change order approval authorizing continuation in these failed areas (with the additional depth accounted for), we cannot proceed.

Please confirm and provide the directive in writing so work can move forward.

Amber Wells

On Mon, 11 Aug 2025 at 08:54, Vardasco, Joe <[JVardasco@brokenarrowok.gov](mailto:JVardasco@brokenarrowok.gov)> wrote:

Good morning, Amber! Upon reviewing the information provided by Ellis, I recommend the following measures be taken to remediate the problem areas with poor subgrade, and subsequent areas measures and agreed to in the field with the Contract Administrator.

1. Over excavate 18" of unsuitable material
2. Drain, scarify and compact the subgrade as best as possible, like Subgrade Method B.
3. Install separator fabric to wrap remediation material

4. Install a 9" lift of Type (A) Aggregate Base (compact per specs)
5. Install another layer of separator fabric to wrap material
6. Install another 9" lift of Type (A) Aggregate Base (compact per specs)

This has been common practice used with poor material within the City of Broken Arrow non-arterial maintenance zone projects, and it's worked well. Please let me know if you have any questions.

## **Joseph R. Vardasco**

*Contract Administrator-Utility Inspector*

*Engineering & Construction Department*

### **City of Broken Arrow**

**485 N. Poplar Ave**

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<image001.jpg>

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**From:** Amber Wells <[Amber@ellis-concrete.com](mailto:Amber@ellis-concrete.com)>

**Sent:** Friday, August 8, 2025 3:44 PM

**To:** Hopkins, Timothy <[THopkins@brokenarrowok.gov](mailto:THopkins@brokenarrowok.gov)>

**Cc:** Kohl, Nathanael <[NKohl@brokenarrowok.gov](mailto:NKohl@brokenarrowok.gov)>; Tyler Ellis <[tyler@ellis-concrete.com](mailto:tyler@ellis-concrete.com)>; Vardasco, Joe <[JVardasco@brokenarrowok.gov](mailto:JVardasco@brokenarrowok.gov)>

**Subject:** Geogrid Submittal - Change Order



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Good Afternoon Tim,

Please see attached Change Order and Geogrid submittal.

Thank you!

Amber Wells

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**From:** Vardasco, Joe  
**Sent:** Wednesday, August 20, 2025 6:10 AM  
**To:** Amber Wells; Hopkins, Timothy  
**Cc:** Tyler Ellis; Edwards, Blake; Kohl, Nathanael; Bright, Charlie; Spurgeon, Michael  
**Subject:** RE: Notice of Claim and Request for Clarification – Ellis Concrete

This needs to be broken down to each job separately, not combined.

## Joseph R. Vardasco

Contract Administrator-Utility Inspector  
Engineering & Construction Department

### City of Broken Arrow

485 N. Poplar Ave

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**From:** Amber Wells <Amber@ellis-concrete.com>  
**Sent:** Tuesday, August 19, 2025 7:43 PM  
**To:** Vardasco, Joe <JVardasco@brokenarrowok.gov>; Hopkins, Timothy <THopkins@brokenarrowok.gov>  
**Cc:** Tyler Ellis <tyler@ellis-concrete.com>; Edwards, Blake <BEDwards@brokenarrowok.gov>; Kohl, Nathanael <NKohl@brokenarrowok.gov>; Bright, Charlie <CBright@brokenarrowok.gov>; Spurgeon, Michael <MSpurgeon@brokenarrowok.gov>  
**Subject:** Notice of Claim and Request for Clarification – Ellis Concrete

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 420 S Hickory Pl.m4a

Dear Mr. Vardasco & Hopkins

Enclosed please find two documents entitled Notice of Claim and Request for Clarification. As provided for in the contract documents, a formal request for clarification is mandatory when an issue arises between the contractor and the job owner or engineers.

It is evident, based on the directives given during our job site meeting on August 5, 2025, as well as subsequent written directives, that a clear misunderstanding exists. The only efficient and proper way to address this matter is through this written request for clarification. For your reference, we have also attached an audio recording of the August 5th meeting. At that meeting, all parties agreed on an acceptable resolution regarding how to proceed with the project. However, the subsequent written directives have not aligned with that in-person agreement.

Additionally, we are submitting the attached Claims, Exhibit -A &B. While we regret the necessity of doing so, our repeated requests for change orders have been denied. The additional work being required in the field is outside the scope of the contract, and it is unreasonable to expect Ellis Concrete to assume the full burden and cost of this work. Again, at the job site meeting, an equitable agreement was reached, but the directives issued thereafter are inconsistent with that agreement.

Ellis Concrete cannot continue to expend unnecessary funds and resources without just compensation. We sincerely hope this matter can be resolved without litigation, which is costly and time-consuming for all parties. Our goal remains to deliver a high-quality project in the most efficient and timely manner possible. We continue to work diligently on portions of the project that do not require clarification.

As required, Ellis Concrete must also mitigate its own losses. For that reason, we cannot agree to reconcile material quantities only at the end of the project. Such an approach would not accurately reflect the actual material and labor necessary to complete the work, particularly given the poor subgrade conditions encountered.

Additionally, we must note that Nathan represented from the beginning that Meadow Heights would be handled the same way as Brentwood. Now, with Joe and Tim conducting field verifications, the two projects are effectively being intermingled. This has created further confusion regarding scope, quantities, and compensation.

We are committed to working with the City in good faith to resolve these outstanding issues and to complete the project as promptly as possible. I look forward to your response to the attached documents.

Thank you for your time and consideration.

Sincerely,  
Amber R. Wells

Ellis Concrete Construction, LLC



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**From:** Bright, Charlie  
**Sent:** Wednesday, August 20, 2025 12:08 PM  
**To:** tyler@ellis-concrete.com; Amber@ellis-concrete.com  
**Cc:** Kohl, Nathanael; Edwards, Blake; Hopkins, Timothy; Vardasco, Joe; Small, Travis  
**Subject:** Brentwood - STOP WORK ORDER  
**Attachments:** Letter\_\_05\_Brentwood.pdf

Tyler/Amber,

Please see attached our notice for a **STOP WORK ORDER**. Immediately upon receipt of this notice, you all are to stop work on anything associated with the above referenced project and have your personnel leave the site. These notices are also being hand delivered to anyone you have on site today. We will be in touch shortly regarding next steps in accordance with the contract.

For transparency, my team has been and will be on site to document all existing conditions as they stand today including work done, work remaining to be finished, the quality of work completed, and the presence of materials and equipment.

City of Broken Arrow crews will be stepping in to complete temporary and/or permanent repairs as necessary to assure all Broken Arrow citizens have access to their homes and streets as necessary.

Thanks,

**Charlie Bright, P.E.**

*Director of Engineering & Construction  
Engineering & Construction Department*

**City of Broken Arrow**

**485 N. Poplar Avenue**

**Broken Arrow, OK 74012**

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