



THOMPSON, DREESSEN & DORNER, INC.
Consulting Engineers & Land Surveyors

July 27, 2009

Ms. Brenda Gunn
City Administrator
City of La Vista
8116 Park View Boulevard
La Vista, NE 68128

RE: 2009 Misc. Services-Public Works
Review of Claim from Swain Const. for SID 198
TD² File No. 171-362.7

Brenda:

I am writing in regards to a claim that Swain Construction, Inc. has made for final payment on the Val Verde 2005 Street Maintenance project they performed for SID 198. I received a copy of this request from Tom McKeon via e-mail on June 12, 2009. Subsequently I contacted Mr. Don Heine with Hill-Farrell Associates, Inc. who were the engineers on the project for SID 198. He advised that Swain Construction, Inc. had not submitted a request for final payment prior to SID 198 being annexed by the City. He further advised that the work had been adequately performed and that their request for final payment would have been processed if it had been received prior to annexation.

To the best of my knowledge, the City was not aware of this unpaid contractor or pending claim at the time of annexation.

Since the work was adequately performed and since the amount of the claim is relatively small compared to the effort that would be required to investigate the validity or defend against this late claim for payment, I recommend that payment be made to Swain Construction, Inc. in the amount of \$1,785.05. I am enclosing a copy of the Final Application for Payment from Swain Construction, Inc. dated November 21, 2008.

Submitted by,

THOMPSON, DREESSEN & DORNER, INC.

John M. Kottmann, P.E.

JMK/jlf

Enclosure

cc: File
Mr. Joe Soucie, City of La Vista, w/enclosure
Ms. Sheila Lindberg, City of La Vista, w/enclosure
Mr. Tom McKeon, City Attorney, w/enclosure

Robert E. Dreessen, P.E.
Ka "Kip" P. Squire III, P.E., S.E.
Douglas S. Dreessen, P.E.
Chris E. Dorner, L.S.
Nelson J. Hymans, P.E.
James D. Warner, L.S.
Charles E. Riggs, P.E.
John M. Kottmann, P.E.
Arthur D. Beccard, P.E.
Dean A. Jaeger, P.E.
Richard M. Broyles, L.S.

David H. Neef, L.S.
Ronald M. Koenig, L.S.
Michael J. Smith, L.S.
Troy J. Nissen, P.E., S.E.
Douglas E. Kellner, P.E.
Gary A. Norton, P.E.
Brian L. Lodes, P.E. LEED AP
Kurtis L. Rohn, P.E.
Jeffrey L. Thompson, P.E.
Daren A. Konda, P.E.
Michael T. Caniglia, L.S.
Jeremy T. Steenhoek, P.E.
Joshua J. Storm, P.E.

Consent Agenda
8-4-09

Civil, Structural, Geotechnical, Environmental Engineering & Land Surveying

10836 Old Mill Road Omaha, Nebraska 68154-2685 402-330-8860 Fax 402-330-5866 www.td2co.com



PROJECT: Val Verde
2005 Street Maintenance
JOB NO: _____

APPLICATION FOR PAYMENT

OWNER: SID #198 PAYMENT NO: Final
CONTRACTOR: Swain Construction, Inc.
ADDRESS: 6002 N. 89 Circle Omaha, NE 68134

CONTRACT DATE: September 21, 2005

PREVIOUS PAYMENTS AUTHORIZED			
NO.	AMOUNT	NO.	AMOUNT
1	<u>16,065.45</u>	7	_____
2	_____	8	_____
3	_____	9	_____
4	_____	10	_____
5	_____	11	_____
6	_____	12	_____
TOTAL			

CHANGE ORDERS

NO.	AMOUNT
1	_____
2	_____
3	_____
4	_____
5	_____

ORIGINAL CONTRACT

AMOUNT: _____

TOTAL CHANGE ORDERS: _____

ADJ. CONTRACT AMOUNT: _____

Item No.	Description	Quantity	Unit	Unit Price	Amount
	<u>10% Retainage as per attachment</u>				<u>\$ 1,785.05</u>

The undersigned Contractor certifies that the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by him for Work for which previous payments were received from the Owner, and the amount shown herein is now due.

CONTRACTOR Swain Construction, Inc.

BY Orlando Swain, Pres. DATE 11/21/08 TOTAL COMPLETED VALUE 17,850.50

Less _____ % Retained

Less Previous Applications 16,065.45

AMOUNT DUE CONTRACTOR 1,785.05

In accordance with the Contract and this Application for Payment the Contractor is entitled to payment in the amount shown herein.

Hill-Farrell Associates, Inc.

BY _____ DATE _____