
**TULSA DEVELOPMENT AUTHORITY BOARD MEETING
STAFF REPORT**

MEETING DATE: November 1, 2018
TO: Chairman and Board Members
FROM: Office of Tulsa Development Authority
SUBJECT: Advance No. 3 from Price Family Parking, LLC
(Parking Garage)

Background:

Owner	Price Family Parking, LLC
Developer:	Price Family Parking, LLC
Engineer:	Cyntergy
Location:	419 South Main Street, Tulsa, Oklahoma
Size of Tract:	N/A
Number of Lots:	1 Lot
Development Area:	Downtown Master Plan
Fair Market Value:	\$1,670,000.00
Executive Director:	O.C. Walker

Relevant Info: This is a request from Price Family Parking, LLC to the TDA Board of Commissioners authorizing a Resolution issuing the Third Advance Request for the Price Family Parking Garage Project.

The TDA Board of Commissioners approved the following Resolution:

- Resolution No. 6488 - September 13, 2018 – Request No. 1 - \$945,883.02 – 56.64%
- Resolution No. 6489 – October 4, 2018 – Request No. 2 - \$117,989.94 – 11.36%

This is a request from Price Family Parking, LLC to the TDA Board of Commissioner authorizing a Resolution issuing the Third Draw Request for the proposed parking garage in the amount of \$87,693.29, representing an additional 2% completion, for a total of 70%, according to the Project Architect of Record, Cyntergy. To date, the aggregate Advance Request amount is \$1,151,566.25.

The terms of the \$1,670,000.00, twelve-year, zero interest loan will be Eligible for Reimbursement based upon a percentage of completion of the overall project.

The Architect of record, Cyntergy AEC, has reviewed and approved the referenced project schedule of values against the work completed and quantity stored materials at the job site and believes the work is 68% complete, based on their ongoing observation.

Attachments: October 19, 2018 – Letter from Redeveloper
October 19, 2018 – Letter from Cynergy
Draw Request No. 3

Recommendations: Staff recommends this item be approved as presented

Reviewed By: O.C. Walker

October 19, 2018

Mr. O.C. Walker
Tulsa Development Authority
1216 N. Lansing Ave.
Tulsa, OK 74106

Re: First Place Parking Garage – Advance Request No. 3

Dear Mr. Walker,

I am writing in regards to the First Place Tower Parking Garage. We are currently requesting \$87,693.29 from the TDA. Our project is currently 70% complete.

The following items are enclosed:

- Letter from Architect certifying percentage completed
- Insurance
- Spreadsheet summarizing what is included in this Advance Request
- Advance Request #3 with required backup

The backup to our Advance Request was hand-delivered. Please do not hesitate to reach out to Jackie Price at 918-688-9825 if you have any questions.

Sincerely,



Wm. Stuart Price

Redeveloper

Price Family Parking, LLC



JACQUELINE E. PRICE
PRESIDENT
PRICE FAMILY PARKING, LLC
15 East 5th Street, Suite 400
Tulsa, Oklahoma 74103

10/19/2018

Dear Jacqueline,

You asked for an assessment of the percent complete the current First Place Tower Parking Garage construction is at currently in downtown Tulsa. Based on our site observations and the pay applications made by Nabholz Construction, we estimate the percent complete at 70%.

Please let me know if further assistance is required.

Sincerely,

A handwritten signature in blue ink, appearing to read 'L. Vorba'.

LARRY L. VORBA, PE, PMP
Principal and Director of Structural Engineering
Cynergy



NABHCON-10

SBURGENER

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
08/23/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Risk Services of Arkansas / INSURICA
1501 Mart Dr
Little Rock, AR 72202

CONTACT NAME: Sherry L. Burgener, CIC, CRM, AU, AAM
PHONE (A/C, No, Ext): (501) 819-3201 **FAX (A/C, No):** (501) 666-7168
E-MAIL ADDRESS: sburgener@riskservicesar.com

INSURED
Nabholz Construction Services (Tulsa)
10319 East 54th Street
Tulsa, OK 74146

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : American Contractors Insurance Co. RRG	12300
INSURER B : Valley Forge Insurance Company	20508
INSURER C : Westchester Fire Insurance Co.	10030
INSURER D : ACIG Insurance Company	19984
INSURER E : Continental Casualty Company	20443
INSURER F :	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD / WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Contractual Liab <input checked="" type="checkbox"/> XCUI Included GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:		GL17PA(C)0004/XS156D0004	06/01/2017	06/01/2018	EACH OCCURRENCE \$ 10,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 10,000,000 GENERAL AGGREGATE \$ 10,000,000 PRODUCTS - COM/OP AGG \$ 10,000,000
B	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY		2095253863	06/01/2017	06/01/2018	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$		G27602903001	06/01/2017	06/01/2018	EACH OCCURRENCE \$ 25,000,000 AGGREGATE \$ 25,000,000
D	<input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH) Y/N <input checked="" type="checkbox"/> N/A If yes, describe under DESCRIPTION OF OPERATIONS below		WCA000003117/WCA000011317	06/01/2017	06/01/2018	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
E	Builders Risk		2074638698	06/01/2017	06/01/2020	Contract Value

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Builders Risk - Completed Value Monthly Report Special Coverage Form

First Place Tower Parking Garage
PFP Holding Company V, LLC and PFP V Sub IV, LLC ISAOA, ATIMA are named as lender/loss payees with respects to Builders Risk Coverage.

CERTIFICATE HOLDER

First Place LLC
15 East 5th Street Suite 1600
Tulsa, OK 74103

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

ADVANCE REQUEST #3

Vendor	Description of Work	Invoice Number	Date	Amount
Nabholz	Pay Application 13	03-17-2289-13	9/30/2018	\$533,529.81
Cyntery	CA Services	30964	10/12/2018	\$2,437.50
LM Consulting		48459	10/15/2018	\$1,250
Orion	Gates and Arms	197851918	9/28/2018	\$47,404.60
	TOTAL			\$584,621.91
	15% of TOTAL			\$87,693.29

ADVANCE REQUEST #3

Pursuant to the Redevelopment Agreement dated August 28, 2018 (the "Redevelopment Agreement"), by The Tulsa Development Authority ("TDA") and Price Family Parking, LLC ("Developer"), Developer hereby requests an Advance in the amount of \$87,693.29 for the account of Developer from the account in the City of Tulsa established for Price-First Place Garage Project Redevelopment Agreement.

Developer does hereby certify to the TDA that, as of the date hereof: (i) the representations in the Redevelopment Agreement are hereby ratified and confirmed, (ii) the requested Advance herein is for the Expenditures Eligible for Reimbursement of Development Costs (as defined in the Redevelopment Agreement), (iii) there exists no default in or breach of the terms and provisions of the Redevelopment Agreement by Developer, (iv) the Redevelopment Agreement is in full force and effect, and (v) all conditions precedent to payment of the requested Advance herein have been met and payment of the Advance requested herein is proper pursuant to the terms of the Redevelopment Agreement, (vi) attached hereto are copies of the AIA form (when applicable), architect certification of percentage of completion of the Project, schedule of values for all elements of work performed, invoices, cancelled checks, and other documentation required to be received by TDA under the Redevelopment Agreement in connection with such Expenditures Eligible for Reimbursement, all of which invoices and other documents have been approved by TDA, (vi) there has not been filed with or served upon TDA notice of any lien, right to lien, or attachment upon or claim affecting the right to receive payment of, any of the monies payable to any of the persons, firms, or corporations named in such invoices, which have not been released or will not be released simultaneously with the payment of such obligation, and (vii) TDA has received from Developer all documents required by the Redevelopment Agreement, including, but not limited to the statutory payment bond, the certificate evidencing all-risk builders risk insurance.

Dated this 19th day of October, 2018.

PRICE FAMILY PARKING, LLC

By: 
Wm. Stuart Price, Its Manager

Dated this _____ day of October, 2018.

The above Advance Request is hereby approved this ____ day of _____, 2018.

TULSA DEVELOPMENT AUTHORITY

By: _____
Executive Director

APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702

PAGE ONE OF THREE PAGES

TO OWNER:
First Place, LLC
15 East 5th Street, Suite 1600
Tulsa, OK 74103

PROJECT:
First Place Tower Parking Garage
4th & Main, Tulsa

APPLICATION NO: 13

Distribution to:

OWNER

ARCHITECT

PERIOD TO: 09/30/18

CONTRACTOR

FROM CONTRACTOR:
Nabholz Construction Corp.
10319 E. 54th St.
Tulsa, OK 74146

VIA ARCHITECT:
Cynergy AEC
810 Cincinnati Ave, Suite 20
Tulsa, OK 74119

PROJECT NOS:
NCC JOB NOS: 03-17-2289
CONTRACT DATE: 8/1/17

CONTRACT FOR: Construction Management Services

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM	\$	11,200,000.00
2. Net change by Change Orders	\$	696,572.00
3. CONTRACT SUM TO DATE (Line 1 ± 2)	\$	11,896,572.00
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$	8,299,778.40
5. RETAINAGE:		
a. 10 % of Completed Work (Column D + E on G703)	\$	814,159.49
b. 10 % of Stored Material (Column F on G703)	\$	0.00
Total Retainage (Lines 5a + 5b or Total in Column I of G703)	\$	814,159.49
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$	7,485,618.91
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$	6,952,089.10
8. CURRENT PAYMENT DUE	\$	533,529.81
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$	4,410,953.09

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$696,572.00	
Total approved this Month	\$0.00	
TOTALS	\$696,572.00	
NET CHANGES by Change Order	\$696,572.00	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: Nabholz Construction Corp.

By: Randy Bernard Date: 9/30/18

Randy Bernard, Project Executive

State of: Oklahoma County of: _____

Subscribed and sworn to before me this 10 day of October

Notary Public: Debra Bernier
My Commission expires: 05/04/22



CERTIFICATE FOR PAYMENT

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

AMOUNT CERTIFIED \$ 533,529.81

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

Architect: Cynergy AEC

By: [Signature] Date: 10.16.2018

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.