

# Technical Memorandum

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**To:** Larry Phillips  
Buffalo Creek Watershed District

**From:** Lisa Odens, PE  
Houston Engineering, Inc.

**Subject:** Final Acceptance of the Judicial Ditch 8 Laterals 12 & 13 Tile Improvement Project

**Date:** January 23, 2024

**Project:** 6234-0028

## INTRODUCTION

The purpose of this report is to certify final project acceptance and recommend final payment for the Judicial Ditch (JD) 8 Laterals 12 & 13 Tile Improvement Project near Glencoe, MN. Minnesota Statute 103E.555 details specific requirements for the completion of public drainage system projects: *“When a contract is completed, the engineer shall make a report to the drainage authority showing the contract price, the amount paid on certificates, the unpaid balance, and the work that is completed under the contract.”* The following memorandum is intended to fulfill the requirements of this statute and provide a fiscal summary of the project.

## PROJECT ROLES

The following is a summary of the individuals provide service and oversight related to the completion of this contract:

Project Manager/ Engineer of Record:	Lisa Odens, P.E. (HEI)
Construction Observer:	Belle Reeve (HEI)
On-site Drainage Authority Representative	Larry Phillips (BWCD)
Contractor (Prime):	Gustafson Drainage LLC

## CONTRACT SUMMARY

Amount of original contract dated /29/2023:	\$ 283,388.10
Change Order #1 dated 6/21/2023:	\$ 9,556.25
Change Order #2 dated 8/21/2023:	\$ 992.74
Final Contract Amount:	\$ 293,937.09

Change order #1, issued on June 21<sup>st</sup>, 2023, entailed televising the existing system of 7,645 linear feet to identify lateral connections and locations as well as the current tile alignment.

Change order #2, issued on August 21<sup>st</sup>, 2023, entailed the change in cost from the updated alignment from televising the existing tile. The number of lateral connections is expected to be lower than estimated. Televising

risers were requested to be extended to the surface, so the locations were adjusted to property lines and changed to standard inlets. One inlet had been counted twice and the quantity was updated. The alignment was updated to limit the use of bends.

## PROJECT UPDATE

Gustafson Drainage has completed all work within the contract. Construction observation completed by HEI staff and supplemented by BCWD staff indicate that all project contract items have been fully completed consistent with the project plans and specifications. The Contractor has not fully provided the proper documentation required for project closeout. They have provided the IC-134 forms but still need to provide lien waivers from subcontractors and suppliers (**Attachment C**). HEI has prepared a record drawing of the project and provided it to BCWD and McLeod County staff.

## DAMAGES

An estimate of land area subject to damages within the construction footprint was included in the Final Engineer's Report (FER). Based on the areas provided in the FER, the Viewers Report then estimated a damage cost for each landowner.

Prior to construction, County staff coordinated with landowners regarding the upcoming work limits. Landowners all elected to plant through the anticipated work area, understanding that crop within the work area may be subject to damage. HEI then staked the work area (generally a corridor 100' in width) prior to construction.

No landowners have indicated that the work area was inconsistent with the damage area identified within the FER. Therefore, we recommend that final damages paid to landowners by the Drainage Authority be consistent with the damages indicated in the Viewers Report, and that no additional damages be paid. The BCWD should consider the recommendations provided herein and any subsequent claims presented prior to or at the project closeout hearing. This memorandum is advisory, and the BCWD may choose an alternative damages payment method or amount.

## PAYMENT RECOMMENDATION

Gustafson Drainage has applied for final payment for work completed on the JD 8 Lateral 12 & 13 Tile Improvement Project. We have reviewed the completed quantities submitted by Gustafson Drainage. The attached tabulation shows quantities as submitted by Gustafson Drainage and the quantities recommended for payment.

The following is a summary of payment:

Original Contract Amount	\$ 283,388.10
Change Orders	\$ 10,548.99
Amended Contract Amount	\$ 293,937.09
Total work completed	\$ 294,221.24
Retainage (5%)	\$ 0.00
Partial Payment 1	\$ 221,341.55
Partial Payment 2	\$ 58,168.63
Recommended Final Payment:	\$ 14,711.06

## COMPLETION OF CONTRACT

We recommend that the drainage authority (Buffalo Creek Watershed District and McLeod County) accept the completion of the project and the contract with Gustafson Drainage. We further recommend release of retainage and final payment in the amount of \$14,711.06, payable to Gustafson Drainage, contingent upon receipt of remaining lien waivers. We recommend the Drainage Authority apply damage payments as indicated in the Viewer's Report.

### ENGINEER'S CERTIFICATION

The undersigned certifies that the work has been carefully inspected and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.

Engineer: Lisa Odens, P.E. Houston Engineering, Inc. MN Reg. #51685

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## SUMMARY OF ATTACHMENTS

Attachment A: Partial Payment Certification

Attachment B: Tabulation of HEI Recommended Quantities

Attachment C: Contractor IC-134

## ATTACHMENT A: PARTIAL PAYMENT CERTIFICATION

**SECTION 00920  
PARTIAL PAYMENT CERTIFICATION**

OWNER: Buffalo Creek Watershed District  
ENGINEER: Houston Engineering Inc.

PROJECT: JD8 Laterals 12 and 13  
Improvement Project  
CONTRACTOR: Gustafson Drainage, LLC

PARTIAL PAYMENT: #3  
PERIOD OF ESTIMATE: through 11/22/2023

**CONTRACT CHANGE ORDER SUMMARY**

No.	Deduction	Additions
#1		\$9,556.25
#2		\$ 992.74
Totals		\$10,548.99
Net Change to Contract		\$10,548.99

CONTRACT TIME: June 1, 2023 –  
November 15, 2023  
Original Days: 167  
Revisions: 0  
Days Remaining: 0  
On Schedule (y/n): Y  
Starting Date: 8/21/2023  
Projected Completion: November 15, 2023

**ESTIMATE**

Original Contract Amount.....	\$ 283,388.10
Change Orders.....	\$ 10,548.99
Revised Contract Amount.....	\$ 293,937.09
Completed to Date Amount.....	\$ 294,221.24
Materials On-Site.....	\$
Subtotal.....	\$ 294,221.24
Retainage.....	\$ 0.00
Previous Payments.....	\$ 279,510.18
Amount Due This Payment.....	\$ 14,711.06

(see attached breakdown)

ENGINEER'S CERTIFICATION

The undersigned certifies that the work has been carefully inspected and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.

Engineer: Houston Engineering, Inc.

By: *Jim Odum*

Date: \_\_\_\_\_

CONTRACTOR'S CERTIFICATION

The undersigned Contractor certifies that to the best of their knowledge, information and belief, the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the Contractor for work for which previous payment estimates were issued and for which payments were received from the Owner, and that current payment shown herein is now due.

RELEASE OF CLAIMS AND WAIVER OF LIEN: NOW THEREFORE, upon receipt of the above payment amount, the undersigned does hereby irrevocably releases and waives any and all claims for payment of any type for any work up through and including the date of this application, and irrevocably releases and waives all bond claims, construction liens, mechanic's liens, and/or other liens, or right to claim any against the above project or any part thereof.

Contractor: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

OWNER'S APPROVAL

Owner: McLeod County

By: \_\_\_\_\_

Date: \_\_\_\_\_

## ATTACHMENT B: TABULATION OF HEI RECOMMENDED QUANTITIES

JD 8 Laterals 12 and 13 Improvement  
 Owner: Buffalo Creek Watershed District

Item Code	Item Description	UofM	Unit Price	Original Contract		Contract after CO-2		Partial Payment 3/Final	
				Quantity	Extension	Quantity	Extension	Quantity for Payment	Extension
1	MOBILIZATION	LUMP SUM	\$ 14,032.00	1	\$14,032.00	1	\$14,032.00	1.00	14032.00
2	WATER CONTROL	LUMP SUM	\$ 500.00	1	\$500.00	1	\$500.00	1.00	500.00
3	TRAFFIC CONTROL	LUMP SUM	\$ 200.00	1	\$200.00	1	\$200.00	1.00	200.00
4	SWPPP MANAGEMENT	LUMP SUM	\$ 2,500.00	1	\$2,500.00	1	\$2,500.00	1.00	2500.00
5	EXPLORATORY TEST PITS	HOURS	\$ 60.00	40	\$2,400.00	40	\$2,400.00	47.50	2850.00
6	CONNECT TO EXISTING LATERAL	EACH	\$ 400.00	43	\$17,200.00	34	\$13,600.00	30.00	12000.00
7	REMOVE OR CRUSH TILE AND LEAVE INPLACE	LIN FT	\$ 3.00	890	\$2,670.00	890	\$2,670.00	890.00	2670.00
8	TELEVISIONING OF INSTALLED TILE	LIN FT	\$ 0.25	7725	\$1,931.25	7725	\$1,931.25	7790.00	1947.50
9	8" STANDARD SURFACE INLET	EACH	\$ 955.00	3	\$2,865.00	10	\$9,550.00	11.00	10505.00
10	TELEVISIONING RISER	EACH	\$ 620.00	2	\$1,240.00	0	\$0.00	0.00	0.00
11	HICKENBOTTOM INLET	EACH	\$ 1,001.00	6	\$6,006.00	0	\$0.00	0.00	0.00
12	STEEL CASING PIPE - JACKED	LIN FT	\$ 315.00	90	\$28,350.00	90	\$28,350.00	100.00	31500.00
13	GRAVEL ROADWAY PATCH	EACH	\$ 2,500.00	1	\$2,500.00	1	\$2,500.00	1.00	2500.00
14	SEEDING AND MULCH (P)	ACRE	\$ 1,275.00	0.51	\$650.25	0.51	\$650.25	0.51	650.25
15	SILT FENCE TYPE PA	LIN FT	\$ 2.00	200	\$400.00	200	\$400.00	0.00	0.00
16	EROSION CONTROL BLANKET CATEGORY 3	SQ YD	\$ 1.20	600	\$720.00	600	\$720.00	865.00	1038.00
17	8" PERFORATED TILE (RIGID)	LIN FT	\$ -	0.00E+00	\$0.00	0	\$0.00	0.00	0.00
18	10" PERFORATED TILE (RIGID)	LIN FT	\$ 23.22	646	\$15,000.12	734	\$17,043.48	734.00	17043.48
19	12" PERFORATED TILE (RIGID)	LIN FT	\$ 24.76	70	\$1,733.20	94	\$2,327.44	84.00	2079.84
20	15" PERFORATED TILE (RIGID)	LIN FT	\$ 23.20	854	\$19,812.80	891	\$20,671.20	891.00	20671.20
21	18" PERFORATED TILE (RIGID)	LIN FT	\$ 25.32	4593	\$116,294.76	4611	\$116,750.52	4611.00	116750.52
22	24" PERFORATED TILE (RIGID)	LIN FT	\$ 31.51	1472	\$46,382.72	1470	\$46,319.70	1470.00	46319.70
CO-1	Televising of Existing System	LIN FT	\$ 1.25			7645	\$9,556.25	5759.00	7198.75
CO-2	Additional Fittings due to modified Alignment	Lump SUM	\$ 1,265.00			1	\$1,265.00	1.00	1265.00

Total Contract Price: \$283,388.10

Original Contract Amount: \$283,388.10  
 Change Orders: \$10,548.99  
 Revised Contract Amount: \$293,937.09  
 Completed to Date Amount: \$294,221.24  
 Materials On-site: \$ -  
 Subtotal: \$294,221.24  
 Retainage (5%): \$ -  
 Previous Payments \$279,510.18  
 Amount Due this Payment: \$14,711.06



## ATTACHMENT C: CONTRACTOR IC-34 FORM

## Lisa Odens

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**From:** Jay Engles <englej1@hotmail.com>  
**Sent:** Wednesday, January 17, 2024 9:24 AM  
**To:** Lisa Odens  
**Subject:** ic134

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

[External Email]

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**From:** MN Revenue e-Services <eservices.mdor@state.mn.us>  
**Sent:** Wednesday, January 17, 2024 9:22 AM  
**To:** englej1@hotmail.com <englej1@hotmail.com>  
**Subject:** Your Recent Contractor Affidavit Request

This email is an automated notification and is unable to receive replies.

### Contractor Affidavit Submitted

Thank you, your Contractor Affidavit has been approved.

Confirmation Summary

Confirmation Number:	0-328-685-920
Submitted Date and Time:	17-Jan-2024 9:22:41 AM
Legal Name:	GUSTAFSON DRAINAGE LLC
Federal Employer ID:	26-3995442
User Who Submitted:	gtiling
Type of Request Submitted:	Contractor Affidavit

### Affidavit Summary

<b>Affidavit Number:</b>	<b>897011712</b>
Minnesota ID:	9855810
Project Owner:	BUFFALO CREEK WATERSHED
Project Number:	8436681
Project Begin Date:	01-Jun-2023
Project End Date:	30-Nov-2023
Project Location:	GLENCO
Project Amount:	\$294,221.24

### Subcontractor Summary

Name	ID	Affidavit Number
PLUT HORIZONTAL BORING LLC	1114771	1775718400

Important Messages

A copy of this page must be provided to the contractor or government agency that hired you.

## Contact Us

If you need further assistance, contact our Withholding Tax Division at 651-282-9999, (toll-free) 800-657-3594, or (email) [withholding.tax@state.mn.us](mailto:withholding.tax@state.mn.us). Business hours are Monday through Friday 8:00 a.m. to 4:30 p.m. Central Time.

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