

5525 Merle Hay Road | Suite 200
 Johnston, IA 50131
 Main 515.278.2913 + Fax 713.965.0044

HRGREEN.COM

November 5, 2025

Mr. Jordan Cook City Administrator City of Nevada 1209 6th Street Nevada, IA 50201

Re: Nevada WWTF Improvements - Phase 3: Recommendation on Contractor's Application for Payment No. 42

Dear Jordan:

Attached is an electronic copy of Payment Application No. 42 from Boomerang Corp. for the Nevada WWTF Improvements – Phase 3 project.

- Division 01 General Requirements: No work completed this period;
- Division 02 Existing Conditions: No work completed this period;
- Division 03 Concrete: No work completed this period;
- Division 04 Unit Masonry: No work completed this period;
- Division 05 Metals: No work completed this period;
- Division 06 Rough Carpentry: No work completed this period;
- Division 07 Thermal & Moisture: No work completed this period;
- Division 08 Doors and Hardware: No work completed this period;
- Division 09 Finishes: No work completed this period;
- Division 10 Specialties: No work completed this period;
- Divisions 22, 23, 35 Plumbing/HVAC/Gates: No work completed this period;
- Divisions 25, 27 Integrated Automation, Comm.: No work completed this period;
- Division 26 Electrical: No work completed this period;
- Division 28 Electronic Safety and Security: No work completed this period;
- Division 31 Earthwork: No work completed this period;
- Division 32 Exterior Improvements: No work completed this period;
- Division 33 Utilities: No work completed this period;
- Division 41 Materials Processing: No work completed this period;
- Division 43 Process Gas, Purification: No work completed this period;
- Division 46 Water and Wastewater Equipment: Vulcan Bar Screens Materials;

The revised total for Work Completed this Period for Pay Application No. 42 is \$0.00. See attached payment application markups for an explanation of revisions.

As of this Pay Application, Boomerang Corp. has previously been paid 82.3% of the total contract value and is now requesting payment that would reflect a cumulative payment of approximately 96% of the total contract value. As of this Pay Application, 221% of the current contract time has been used. Boomerang Corp. substantially completed the work 697 calendar days behind schedule based on the current contract Substantial Completion date. HRG would also like to note that the project is nearly finally complete pending completion of punchlist items. HRG has requested a schedule update from Boomerang for when the remaining work will be completed.



We have verified that all received certified payroll records for the corresponding pay application period are conforming. We are awaiting some certified payrolls for the corresponding pay application and have requested these by the next pay period.

As you are aware, there has been a significant delay in the Contractor's progress of Work with regard to meeting the requirements of Substantial Completion. Attached is a letter dated November 5, 2025, from HR Green to Boomerang Corporation which identifies the potential assessment of liquidated damages corresponding to Boomerang's the 697-calendar day delay in achieving Substantial Completion on the project. Due to this delay, we recommend withholding the combined value of retainage on work completed & stored materials to date and potential liquidated damages from future payment applications including Payment Application No. 42. As of Boomerang's submittal of Payment Application No. 42, this combined value is currently \$1,404,609.44. The remaining Contract "Balance to Finish, Including Retainage" amount is \$1,244,117.27 due to Boomerang based on the approved payment from Payment Application No. 41. Currently, the amount remaining is less that the combined value recommended to withhold from payment.

Additionally, HR Green and the City were notified on July 24, 2025, of claims against Boomerang by multiple subcontractors on the project in a total amount exceeding the retainage withheld on the work complete & stored materials to date.

Therefore, we recommend a maximum payment to Boomerang for Payment Application No. 42 of \$0.00. See attached calculation summary sheet for this recommended payment amount. Additional payments to Boomerang may be recommended if the combined value of recommended withholding is reduced due to reduction of potential liquidated damages.

If you have any questions regarding this payment application, please feel free to contact me at (515) 657-5304.

Sincerely, HR GREEN, INC.

Michael Roth, P.E. Project Manager

Muluel John

Cc: Kerin Wright & Devin Cornish - City (via email)

Keith Brockhohn, Marianne Wainwright, Bryce Ricklefs - Boomerang Corp. (via email)



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► HRGREEN.COM

November 5, 2025

(VIA EMAIL)

Marianne Wainwright Boomerang Corp 13225 Circle Drive, Suite A Anamosa, IA 52205

Re:

Nevada WWTF Improvements - Phase 3 Withholding Payment for Liquidated Damages

Dear Marianne,

This letter provides updated notification to Boomerang Corp and its surety that HR Green is recommending to the City of Nevada that the City withhold payment to Boomerang Corp for potential liquidated damages related to achieving Substantial Completion for the project as identified herein and in accordance with Article 3 of Section 00520 – Agreement, and Articles 15.01.C.5, 15.01.E.1.e, and 15.01.E.1.j of the General Conditions. This withholding amount will be in addition to the amount of retainage as stipulated in Article 5 of Section 00520 – Agreement.

The contractual Substantial Completion date is June 9, 2023. On July 28, 2025, the City of Nevada awarded Substantial Completion for the project as of May 6, 2025.

Therefore, based on these dates the corresponding potential liquidated damages related to achieving Substantial Completion is as follows:

• Substantial Completion: 697 calendar days @ \$1,500/calendar day = \$1,045,500.00

Withholding payment is anticipated to occur once the sum of:

- 1. Requested payment,
- 2. Retainage on work completed & stored materials to date, and
- 3. Potential liquidated damages;

exceeds the previous month's Contract "Balance to Finish, Including Retainage" value.

As of the date of this letter, the sum of the "Retainage on work completed & stored materials to date" and "Potential liquidated damages" values exceeds the "Balance to Finish, Including Retainage" value. Therefore, HR Green will not recommend current or future partial payment amounts unless the potential liquidated damages amount significantly decreases.

Note the actual amount of final liquidated damages will be determined upon any approved time extensions and the final completion date.

Sincerely,

HR GREEN, INC.

Michael Roth, P.E. Project Manager

reject manage.

Keith Brockhohn, Boomerang (via email) Bryce Ricklefs, Boomerang (via email)

Jordan Cook, City (via email)

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Nevada WWTF Improvements - Phase 3

Pay App #

42

Recommended Payment Amount Calculation Summary

Line	Item	Amount
1	Requested "Amount Due" in this Payment Application	\$ 4,893.48
2	Retainage on work completed & stored materials to date	\$ 354,215.96
3	Potential liquidated damages	\$ 1,045,500.00
4	Total	\$ 1,404,609.44
5	Balance to Finish, Including Retainage from previous approved payment application	\$ 1,244,117.27
6	Current Payment Application reduction (Line 5 - Line 4)	\$ (160,492.17)
7	Recommended payment amount for this Payment Application (Line ${\bf 1}$ + Line 6)	\$ -

APPLICATION AND CERTIFICATION FOR PAYMENT

FROM CONTRACTOR: Boomerang Corp PO Box 227 13225 Circle Dr. Suite A Anamosa, Iowa 52205	PROJECT: VIA ENGINEER:	Nevada Wastewater Improvements AP C(HR Green Michael Roth	APPLICATION NO: 42 PERIOD TO: 10.31.25 PROJECT NOS: CONTRACT DATE:
CONTRACTOR'S APPLICATION FOR PAYMENT Application is made for payment, as shown below, in connection with the Contract Continuation Sheet is attached.	h the Contract.	The undersigned Contractor certifies that to and belief the Work covered by this Applical with the Contract Documents, that all amounts to be a second to the contract to the	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
1. ORIGINAL CONTRACT SUM	\$ 7,077,000.00	and that current payment shown herein is now due.	and that current payment shown herein is now due.
2. Net change by Change Orders	\$ (50,180.84)	CONTRACTOR:	1/2/20
3. CONTRACT SUM TO DATE (Line 1 + 2)	\$ 7,026,819.16	By: O Navana My Vo	Date:
4. TOTAL COMPLETED & STORED TO DATE	\$ 7,084,319.16		
 RETAINAGE: a. 5% of Work Completed (Not including water main) (Columns D + E on Continuation Sheet) 	\$ 354,215.96	ENGINEER'S CERTIFICATE FOR PAYMENT In accordance with the Contract Documents, based on oncomprising this application, the Engineer certifies to the O	ENGINEER'S CERTIFICATE FOR PAYMENT In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Engineer certifies to the Owner that to the best of the Engineer's
b5% of Stored Material (Column F on Continuation Sheet)	6	knowledge, information and belief the Work is in accordance with the Contract Documer	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
Total Retainage (Line 5a + 5b) (Total in Column I on Continuation Sheet)	\$ 354,215.96	of the AMOUNT CERTIFIED.	0.00
6. TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 Total)	\$ 6,730,103.20		(Attached explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified)
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT(Line 6 from prior Certificate)	\$ 6,725,209.72	ENGINEER: By:	Date: 11/5/25
8. CURRENT PAYMENT DUE	\$ 4,893.48		
9. BALANCE TO FINISH, INCLUDING RETAINAGE(Line 3 less Line 6)	\$ 296,715.96	OWNER'S APPROVAL:	
		Ву:	Date:

PERIOD TO: ENGINEER'S PROJECT NO.: 10.31.25

APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification, is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts were variable retainage for line items may apply.

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Use Column I on Contracts were variable retainage for line items

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In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts were variable retainage for line items may apply.

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\$7,084,319.16	9,819.16	9,500.00 2,500.00 412,083.00	270,000.00 5,000.00 7,000.00	7,000.00 9,000.00	Total Completed & Stored to Date (D + E + F)	100
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-\$57,500.00	(50,000.00) (10,000.00)	500.00			Balance to Finish	H
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\$354,215,96	490.96	475.00 125.00 - 20,604.15	13,500.00 250.00 350.00	350.00 450.00	Retainage (If Variable Rate)	_