

**RECEIVED**

FEB 18 2015

HEALTH FACILITIES &  
SERVICES REVIEW BOARD

February 17, 2015

Ms. Courtney Avery  
Administrator  
Illinois Health Facilities and Services Review Board  
525 West Jefferson Street, 2<sup>nd</sup> Floor  
Springfield, IL 62761

**RE: Annual Progress Report  
Project #11-107  
Northwestern Memorial Hospital  
Outpatient Care Pavilion (OCP) Project**

Dear Ms. Avery:

This report summarizes the current status of the Outpatient Care Pavilion (OCP) project at Northwestern Memorial Hospital (NMH). The project was approved by the HFSRB on February 28, 2012, in the amount of \$322,826,935. The project was altered on December 9, 2014 to remove one floor of physician's office space from the project and the total project cost was reduced to \$320,471,935. A renewal request was approved on December 16, 2014, extending the project completion date from March 30, 2015 to December 31, 2015.

**Key Milestones**

During the past year of the project (from 2/28/14 to date), key accomplishments include the following:

- **Substantial Completion, Shell & Core and Fit-out spaces**  
On August 14, 2014, a Certificate of Occupancy Permit was received from local authority and other contractual requirements were met to issue a certificate of substantial completion for the contract. IDPH inspection was not required because this is Business Occupancy per the City of Chicago.
- **Inspection for Licensure as Outpatient Surgery**  
Occupancy Permits were previously received from the local authority and an inspection by the IDPH Design Standards Unit; Division of Health Care Facilities and Programs inspection was conducted. Corrections were made

and IDPH issued a Temporary Occupancy letter on October 9, 2014 for the areas inspected.

- **First Patient Use (hospital clinical areas)**  
The first patient use for the Diagnostic Testing Center occurred on October 17, 2014 and occurred on October 20, 2014 for the Outpatient Surgery unit.
- **IDPH Permanent Occupancy**  
An inspection with the IDPH Design Standards Unit; Division of Health Care Facilities and Programs occurred on November 12<sup>th</sup>, 2014. The scope of this inspection included two operating rooms that were unavailable during the temporary occupancy inspection. The letter issuing full occupancy was issued that same day - November 12, 2014.
- **Project Stabilization**  
The first stabilization meeting will as held on October 29<sup>th</sup>, 2014. Project Stabilization includes minor adjustments required to the space, equipment, and/or other items based on the initial weeks of patient use.

**Key Actions Needed to Be Completed**

<b>Action/Milestone</b>	<b>Target Completion Date</b>
Completion of physicians' office space	September 2015
Project Close-Out	December 2015

The planning for the physicians' office space was slightly delayed with the withdrawal of the Northwestern Medical Faculty Foundation Dialysis Center and its removal from the building. Additionally, NMH has proposed an expansion of surgical services on the 11<sup>th</sup> floor (CON #14-061) which required the removal of one floor of physicians' office space to accommodate the proposed expansion. The reconsideration of the building's highest and best use affected the timing of physician tenant planning, design, and fit-out. The refocused process has influenced physician office space location, particularly for specialists, delaying NMH from finalizing leases with physician tenants for the building.

A nine-month extension was approved on December 16, 2015 which will allow NMH to proceed diligently through the leasing process as well as to complete project stabilization and completion processes and to allow time for an external audit of the project.

**Sources and Uses of Funds**

Attached is a schedule of project expenditures through December 31, 2014. Approximately \$247,913,159 has been expended of the \$320,471,935 allocated

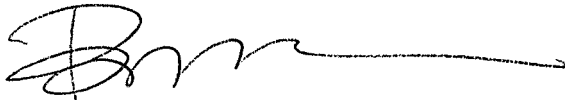
for the project and has been entirely funded from cash and securities. This represents approximately 77.4% of the budget.

**Contractual Commitments**

NMH has executed contracts for this project. Current total project commitments are \$283,491,461. Additionally, copies of the most recent Application for Payment for the construction contracts have been included.

If you have any questions, please feel free to contact me at (312) 926-8650.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Orth', with a long horizontal flourish extending to the right.

Bridget S. Orth  
Director, Regulatory Planning

cc: Jim Mladucky, Director, Design and Construction  
Jan Peterson, Project Manager, Capital Planning, Finance  
Simon Jim, Project Accountant, Finance

**Outpatient Care Pavilion (OCP) Project  
Project # 11-107**

**ANNUAL COST REPORT  
to the  
Illinois Health Facilities and Services Review Board  
Northwestern Memorial Hospital Permit Project Expenditures  
Progress Report: February 28, 2015**

<u>Category</u>	CON Approved Budget	Project to Date
<b><u>USE OF FUNDS</u></b>		
2 SITE SURVEY AND SOIL INVESTIGATION	\$ 352,786	\$ 253,510
3 SITE PREPARATION	\$ 2,865,020	\$ 1,904,156
4 OFF SITE WORK	\$ 1,764,235	\$ 1,043,370
5 NEW CONSTRUCTION CONTRACTS	\$ 216,762,153	\$ 195,625,046
7 CONTINGENCIES	\$ 21,911,716	\$ -
8 ARCHITECTURAL/ENGINEERING FEES	\$ 8,310,429	\$ 11,643,981
9 CONSULTING & OTHER FEES	\$ 16,321,677	\$ 13,660,616
10 MOVABLE CAPITAL EQUIPMENT (not in construction contracts)	\$ 25,928,100	\$ 17,753,126
11 BOND ISSUANCE EXPENSE (project related)	\$ 3,026,000	\$ -
12 NET INTEREST EXPENSE DURING CONSTRUCTION (project relate	\$ 7,291,000	\$ -
14 OTHER COSTS WHICH ARE TO BE CAPITALIZED	\$ 15,938,819	\$ 6,029,354
<b>GRAND TOTAL</b>	<b>\$ 320,471,935</b>	<b>\$ 247,913,159</b>
<b><u>SOURCE OF FUNDS</u></b>		
16 CASH & SECURITIES	\$ 164,209,935	\$ 247,913,159
18 GIFTS & BEQUESTS	\$ -	\$ -
19 BOND ISSUES (project related)	\$ 156,262,000	\$ -
25 TOTAL FUNDS	\$ 320,471,935	\$ 247,913,159
CON PERMIT AMOUNT	\$ 320,471,935	\$ 247,913,159
 % COMPLETE	 77.4%	

# APPLICATION AND CERTIFICATE FOR PAYMENT

TO OWNER: Northwestern Memrl Hosp  
 PROJECT: NMH OCP - 18th Floor

251 E Huron Street  
 Chicago, IL  
 60611

251 E Huron Street  
 Chicago, IL  
 60611 US

FROM CONTRACTOR: Pepper Construction Company  
 643 North Orleans  
 Chicago, IL, 60654-3608

ARCHITECT:

APPLICATION NO.: 2  
 PERIOD TO : 31-DEC-14  
 PROJECT NOS.: 1400696  
 INVOICE NO.: 1400696002  
 DISTRIBUTION TO:  
 OWNER  
 ARCHITECT  
 CONTRACTOR  
 CONTRACT DATE: 15-OCT-14

CONTRACT FOR: NMH OCP - 18th Floor

## CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation sheet is attached.

- 1. ORIGINAL CONTRACT SUM ..... \$ 16,490,840
- 2. Net change by change orders ..... \$ 0
- 3. CONTRACT SUM TO DATE ( Line 1 +/- 2 ) ..... \$ 16,490,840
- 4. TOTAL COMPLETED & STORED TO DATE ..... \$ 858,056  
 (Column G on G703)
- 5. RETAINAGE:  
 Total retainage Column I of G703) ..... \$ 85,804
- 6. TOTAL EARNED LESS RETAINAGE ..... \$ 772,252  
 (Line 4 less Line 5 Total)
- 7. LESS PREVIOUS CERTIFICATES FOR PAYMENT  
 (Line 6 from prior Certificate) ..... \$ 239,877
- 8. CURRENT PAYMENT DUE ..... \$ 532,375
- 9. BALANCE TO FINISH, INCLUDING RETAINAGE ..... \$ 15,718,588  
 (Line 3 less Line 6)

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Change Order approved in previous months by Owner	0	0
APPROVED THIS MONTH		
Number	Date Approved	
CURRENT TOTAL		0
Net Change by Change Orders		0

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: Pepper Construction Company

By: [Signature] Date: 12/31/14

State of: Illinois

County of: Cook

Subscribed and sworn to before me this 31st day of December 2014

Notary Public: [Signature]

My Commission expires: 3-8-2015



## ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above 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 Work is in accordance with the Contract Documents, and the Contractor is entitled to the payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED ..... \$ 532,375  
 (Attach explanation if amount certified differs from the amount applied for. Initial figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT: [Signature] Date: 1/13/15

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.

**APPLICATION AND CERTIFICATE FOR PAYMENT**

AIA DOCUMENT G702 (Instructions on reverse side)

Page 1 of Pages

Distribution to:	OWNER
	ARCHITECT
	CONTRACTOR

PROJECT: NMH 259 Bridge Connection  
 APPLICATION NO.: Draw #5  
 12/15/2014  
 PERIOD TO:  
 PROJECT NO.: 14-02-07  
 251 E. Huron Street, Chicago, IL 60611  
 CONTRACT DATE:  
 VIA (ARCHITECT): VOA Associates  
 224 S. Michigan Avenue  
 Chicago, IL 60604

TO: Northwestern Memorial Hospital  
 251 E. Huron  
 Chicago, IL 60611

FROM CONTRACTOR: Skender Construction, LLC  
 200 W. Madison St., Suite 1300  
 Chicago, IL 60606

**CAPITAL WORK**

CONTRACT FOR: Northwestern Memorial Hospital 259 Bridge Connection

**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..... \$ 2,106,284.00
2. Net change by Change Orders..... \$ (161.00)
3. CONTRACT SUM TO DATE (Line 1 +/- 2)..... \$ 2,106,123.00
4. TOTAL COMPLETED & STORED TO DATE..... \$ 1,515,108.30

5. RETAINAGE:

- a. 9.88% % of Completed Work \$ 149,395.33  
 (Column D + E on G703)
- b. 0 % of Stored Material \$ 0.00  
 (Column F on G703)

Total Retainage (Line 5a + 5b or Total in Column I of G703) \$ 149,395.33

8. TOTAL EARNED LESS RETAINAGE..... \$ 1,365,712.97

7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 8 less Line 5 Total) \$ 1,203,448.14

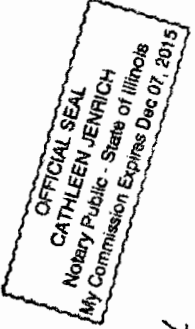
6. CURRENT PAYMENT DUE..... \$ 162,264.83

9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less line 6) \$ 740,410.03

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	54,058.00	(54,219.00)
Total approved this Month	0.00	0.00
TOTALS	54,058.00	(54,219.00)
NET CHANGES by Change Order		(161.00)

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 payment received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: *[Signature]* Date: 12/22/2014  
 By: *[Signature]*  
 State of: Illinois  
 County of: Cook  
 Subscribed and sworn to before me this 22nd day of December, 2014



Notary Public: *[Signature]* 12/7/2015  
 My Commission expires:

**ARCHITECT'S CERTIFICATE FOR PAYMENT**

In accordance with the Contract Documents, based on on-site observations and the data comprising this 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..... \$ 162,264.83  
 (Attach 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.)

ARCHITECT: *[Signature]* VOA Date: 11/3/15  
 This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named hereon. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

**APPLICATION AND CERTIFICATE OF PAYMENT** DOCUMENT G702

PROJECT: Northwestern Memorial Hospital  
 Outpatient Care Pavilion  
 259 E. Erie Street, Chicago, IL  
 Purchase order #3001118096  
 NMH OCP 17th Floor Imaging  
 VIA (ARCHITECT):

TO (OWNER): Northwestern Memorial Hospital  
 251 E. Huron Street  
 Chicago, IL 60611

FROM (CONTRACTOR): Lend Lease, Inc & The Pepper Construction Companies, Inc.  
 A Joint Venture  
 One North Wacker, Ste 850  
 Chicago, IL 60606  
 CONTRACT FOR: Tenant Improvement

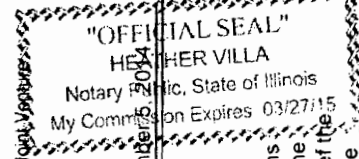
APPLICATION NO: PB#17  
 PERIOD TO: 11/05/14  
 ARCHITECT'S: OWP&P/Cannon Design Inc  
 No. 22067-\*\*\*-09-13676  
 CONTRACT DATE: 130826

Distribution to:  
 OWNER  
 ARCHITECT  
 CONTRACTOR

**CONTRACTOR'S APPLICATION FOR PAYMENT**

CHANGE ORDER SUMMARY		ADDITIONS	DEDUCTIONS
Change Orders approved in previous months by Owner - 0 through 0			
Approved this Month	TOTAL		
Number	Date Approved		
12	7/10/2014	0.00	
013	7/8/2014	321,854.00	
TOTALS		321,854.00	321,854.00

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: Lend Lease, Inc & The Pepper Construction Companies, Inc. A Joint Venture  
 Brian Greiner  
 Assistant Controller

By: *Brian Greiner*

Notary Public: Heather Villa  
 State of Illinois: Cook  
 County of: Cook  
 Subscribed and sworn to before me this November 5, 2014

**ARCHITECT'S CERTIFICATE FOR PAYMENT**

In accordance with the contract documents, based on on-site observations and the data comprising the above 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.

Application is made for Payment, as shown below, in connection with the Contract. Con 8361

- ORIGINAL CONTRACT SUM \$ 7,206,518.00
- Net Change by Change Orders \$ 321,854.00
- CONTRACT SUM TO DATE (Line 1+2) \$ 7,528,372.00
- TOTAL COMPLETED & STORED TO DATE \$ 7,337,390.00  
 (Column G on G703)
- RETAINAGE: 0  
 a. 1% of Completed Work \$ 100,905.00  
 (Column D+E on G703)  
 b. of Stored Material  
 (Column F on G703)  
 Total Retainage (Line 5a+5b or Total in Column I of G703) \$ 100,905.00
- TOTAL EARNED LESS RETAINAGE \$ 7,236,485.00  
 (Line 4 less line 5 Total)
- LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate) \$ 7,038,347.00
- CURRENT PAYMENT DUE \$ 198,138.00
- BALANCE TO FINISH, PLUS RETAINAGE \$ 291,887.00  
 (Line 3 less Line 6)

My Commission expires: \$ 198,138.00  
**AMOUNT CERTIFIED** \$ 198,138.00  
 (Attach explanation if amount certified differs from the amount applied for).  
 ARCHITECT:

By: *Heather Villa* Date: 11/12/14  
 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.

*Heather Villa*

**APPLICATION AND CERTIFICATE OF PAYMENT DOCUMENT G702**

TO (OWNER): PROJECT: APPLICATION NO: PB #18 Distribution to:  
 Northwestern Memorial Hospital  
 Outpatient Care Pavilion  
 259 E. Erie Street, Chicago, IL  
 Purchase order #300118096  
 NIMH OCP 10th & 12th Floor Surgery  
 VIA (ARCHITECT): ARCHITECTS  
 OWP&P/Cannon Design Inc  
 225 S Michigan Avenue  
 Chicago, IL 60601  
 Project #3508.00

FROM (CONTRACTOR): Lend Lease, Inc & The Pepper Construction Companies, Inc.  
 A Joint Venture  
 One North Wacker, Ste 850  
 Chicago, IL 60606  
 CONTRACT FOR: Tenant Improvement  
 Project #3508.00

PERIOD TO: 11/30/14  
 ARCHITECTS  
 PROJECT NO:  
 CONTRACT DATE:

**CONTRACTOR'S APPLICATION FOR PAYMENT**

CHANGE ORDER SUMMARY		ADDITIONS	DEDUCTIONS
Change Orders approved in previous months by Owner - 0 through 0	TOTAL		
Approved this Month			
Number	Date Approved		
018	7/23/2014	0.00	
019	9/2/2014	125,832.00	
020	8/28/2014	5,966.00	
<b>TOTALS</b>		<b>1,923,026.00</b>	<b>1,923,026.00</b>

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 Lend Lease, Inc & The Pepper Construction Companies, Inc. A Joint Venture  
 Jen Habb  
 Accounting Systems Analyst

By:  November 30, 2014

**ARCHITECT'S CERTIFICATE FOR PAYMENT**


In accordance with the contract documents, based on on-site observations and the data comprising the above 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.

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

- 1. ORIGINAL CONTRACT SUM \$ 11,352,020.00
  - 2. Net Change by Change Orders \$ 1,923,026.00
  - 3. CONTRACT SUM TO DATE (Line 1+2) \$ 13,275,046.00
  - 4. TOTAL COMPLETED & STORED TO DATE. (Column G on G703) \$ 13,061,610.00
  - 5. RETAINAGE:
    - a. 1% of Completed Work (Column D+E on G703) \$ 125,281.00
    - b. of Stored Material (Column F on G703)
- Total Retainage (Line 5a+5b or Total in Column I of G703) \$ 125,281.00
- 6. TOTAL EARNED LESS RETAINAGE (Line 4 less line 5 Total) \$ 12,936,329.00
  - 7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate) \$ 12,853,812.00
  - 8. CURRENT PAYMENT DUE \$ 82,517.00
  - 9. BALANCE TO FINISH, PLUS RETAINAGE (Line 3 less Line 6) \$ 338,717.00

State of: Illinois County of: Cook  
 Subscribed and sworn to before me this November 20, 2014  
 Notary Public: CHARLOTTE SAITH  
 Notary Public, State of Illinois  
 My Commission Expires: 08/30/16

My Commission expires: \$ 82,517.00  
 AMOUNT CERTIFIED \$ 82,517.00  
 (Attach explanation if amount certified differs from the amount applied for).  
 ARCHITECT:

By:  Date: 12/05/14  
 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.



**APPLICATION AND CERTIFICATE OF PAYMENT DOCUMENT G702**

TO (OWNER):  
 Northwestern Memorial Hospital  
 251 E. Huron Street  
 Chicago, IL 60611

PROJECT: 52091803  
 APPLICATION NO: 32  
 PERIOD TO: 11/30/14

Distribution to:  
 OWNER  
 ARCHITECT  
 CONTRACTOR

FROM (CONTRACTOR):  
 Lend Lease, Inc & The Pepper Construction Companies, Inc.  
 A Joint Venture  
 One North Wacker, Ste 850  
 Chicago, IL 60606  
 CONTRACT FOR: Core & Shell  
 Project #3508.00

VIA (ARCHITECT):  
 OWP&P/Cannon Design Inc  
 111 W. Washington Suite 2100  
 Chicago, IL 60602  
 Project #3508.00

**CONTRACTOR'S APPLICATION FOR PAYMENT**

CHANGE ORDER SUMMARY		ADDITIONS	DEDUCTIONS
Change Orders approved in previous months by Owner - 1 through 13		5,925,301.00	
Approved this Month	Date Approved	498,937.00	
Number	14		
TOTALS		6,424,238.00	6,424,238.00
[Net Change by Change Orders			

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 Lend Lease, Inc & The Pepper Construction Companies, Inc. A Joint Venture  
 James E Harding  
 Vice President

By:  December 17, 2014

**ARCHITECT'S CERTIFICATE FOR PAYMENT**

In accordance with the contract documents, based on on-site observations and the data comprising the above 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.

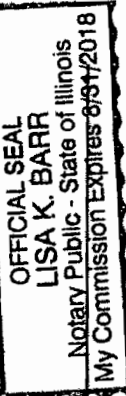
Application is made for Payment, as shown below, in connection with the Contract. Continuation Sheet, Document G703, is attached.

- 1. ORIGINAL CONTRACT SUM \$ 175,623,312.00
  - 2. Net Change by Change Orders \$ 6,424,238.00
  - 3. CONTRACT SUM TO DATE (Line 1+2) \$ 182,047,550.00
  - 4. TOTAL COMPLETED & STORED TO DATE (Column G on G703) \$ 178,008,504.00
  - 5. RETAINAGE:
    - a. 1% of Completed Work (Column D+E on G703) \$ 1,467,337.00
    - b. of Stored Material (Column F on G703)
- Total Retainage (Line 5a+5b or Total in Column I of G703) \$ 1,467,337.00
- 6. TOTAL EARNED LESS RETAINAGE (Line 4 less line 5 Total) \$ 176,541,167.00
  - 7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate) \$ 171,851,278.00
  - 8. CURRENT PAYMENT DUE \$ 4,689,889.00
  - 9. BALANCE TO FINISH, PLUS RETAINAGE (Line 3 less Line 6) \$ 5,506,383.00

State of Illinois County of Cook

Subscribed and sworn to before me this December 17, 2014

Notary Public: Lisa K Barr




My Commission expires: 08/31/18

AMOUNT CERTIFIED \$ 4,689,889.00

Attach explanation if amount certified differs from the amount applied for).

ARCHITECT:

By:  Date: 12/18/14

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.