

DATE January 5, 2009

ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR 2008 EXPANDED STREET RESURFACING PROGRAM - CONTRACT 1, OMG MIDWEST, INC. D/B/A DES MOINES ASPHALT & PAVING

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the attached report of the Jurisdictional Engineer, showing the cost of the construction of the 2008 Expanded Street Resurfacing Program - Contract 1, 06-2008-017, in accordance with the contract approved between OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving, James Gauger, President, 5550 NE 22nd Street, P.O. Box 3365, Des Moines, IA 50316-0365, under Roll Call No. 08-1262, of July 14, 2008, and the City of Des Moines, and recommending the acceptance thereof, be and the same is hereby approved, and accepted, and

BE IT FURTHER RESOLVED: That \$798,495.10 is the total cost, of which \$708,795.14 has been paid the Contractor, and \$49,775.20 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$39,924.76 is to be paid at the end of thirty days, provided no claims or liens have been filed against said contract. In the event that at the end of said thirty (30) day period, claims are on file as herein provided, the City of Des Moines shall continue to retain from said unpaid funds, a sum not less than double the total amount of all claims on file, or the full Chapter 573 Code of Iowa retainage amount, whichever is lesser.

BE IT FURTHER RESOLVED: That the Engineering Department be and is hereby authorized and directed to notify all persons and firms with outstanding Chapter 573 claims against said project, that the project has been given final acceptance as completed by this City Council, that they have 60 days from such acceptance within which to initiate suit to collect on their claims, and that if suit is not commenced within that time, the City of Des Moines will be required to release the retainage which it is now holding.

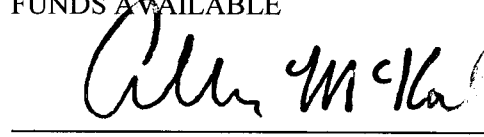
BE IT FURTHER RESOLVED: That the Des Moines Finance Director be and is hereby authorized to release said retainage if suit is not filed as above provided.

Moved by _____ to adopt.

FORM APPROVED:

FUNDS AVAILABLE



 BCB

Kathleen Vanderpool
Deputy City Attorney

Allen McKinley
Des Moines Finance Director

Funding Source: 2008-2009 CIP, Page Street-42, Special City-wide Street Improvements, STR217, Being: Gaming Monies from the Agreement with Polk County and The Racing Association of Central Iowa

Roll Call Number

★

Agenda Item Number

_____ 6 _____

Date January 5, 2009

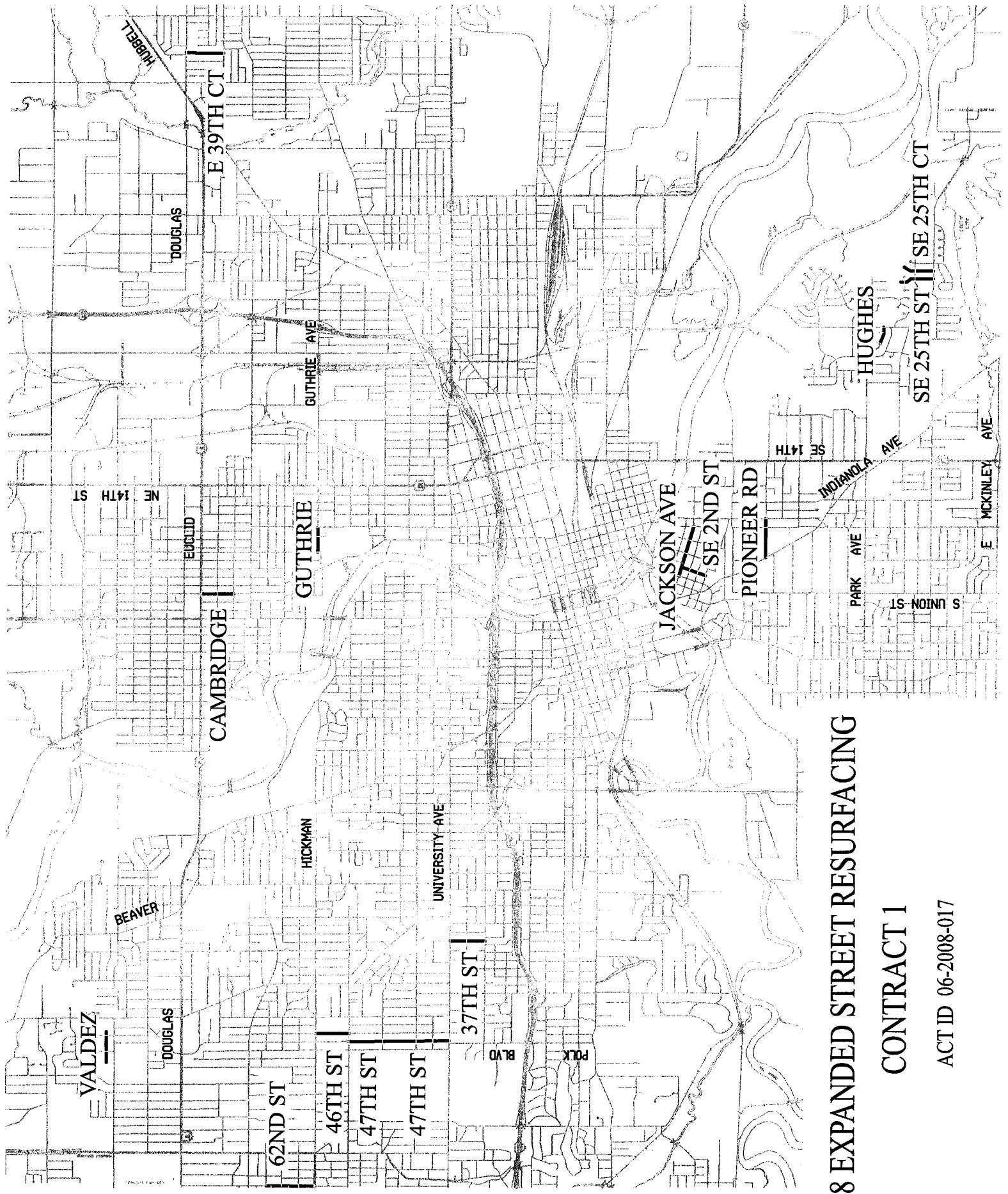
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk



2008 EXPANDED STREET RESURFACING

CONTRACT 1

ACT ID 06-2008-017

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PROJECT SUMMARY

2008 Exp. Street Resurf. Prog. - Cont.1

Activity ID 06-2008-017

On July 14, 2008, under Roll Call No. 08-1262, the City Council awarded the contract for the above improvements to Des Moines Asphalt & Paving Co., in the amount of \$863,776.00 to place new asphalt overlays on various city streets.

Tabulated below is a history of project change orders.

<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
1	12/22/2008 Adjust contract item amounts to as-built quantities.	Engineering	(\$65,280.90)
Original Contract Amount			\$863,776.00
Total Change Orders			(\$65,280.90)
Percent of Change Orders to Original Contract			-7.56%
Final Contract Amount			\$798,495.10

January 5, 2009

CERTIFICATION OF COMPLETION

AGENDA HEADING:

Accepting completed construction and approving final payment for the 2008 Expanded Street Resurfacing Program - Contract 1, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving.

SYNOPSIS:

Approve the Jurisdictional Engineer's Certification of Completion, accept construction of said improvement, and authorize final payment to the contractor.

FISCAL IMPACT:

Amount: \$798,495.10 As-Built Contract Cost

Funding Source: 2008-2009 CIP, Page Street-42, Special City-wide Street Improvements, STR217, Being: Gaming Monies from the Agreement with Polk County and The Racing Association of Central Iowa

CERTIFICATION OF COMPLETION:

On July 14, 2008, under Roll Call No. 08-1262, the City Council awarded a contract to OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving, James Gauger, President, 5550 NE 22nd Street, P.O. Box 3365, Des Moines, IA 50316-0365 for the construction of the following improvement:

2008 Expanded Street Resurfacing Program - Contract 1, 06-2008-017

The improvement includes scarification of existing asphalt streets, furnish and place Hot Mix Asphalt (HMA) and other incidental items; all in accordance with the contract documents, including Plan File Nos. 490-51/58 at the following locations:



ENGINEERING DEPARTMENT
CITY HALL
400 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309-1891
(515) 283-4920
FAX (515) 283-4112

ALL-AMERICA CITY
1949, 1978, 1981
2003

- 37th Street from Kingman Blvd. to University Avenue
- 46th Street from Franklin Avenue to Hickman Road
- 62nd Street from Hickman Road to New York Avenue
- 47th Street from College Avenue to Franklin Avenue
- 47th Street from University Avenue to College Avenue
- Valdez Drive from dead end E of 46th Street to dead end W of 48th Street
- Cambridge Street from E Tiffin Avenue to E Euclid Avenue
- Guthrie Avenue from North Union Street to E 9th Street
- E 39th Court from E Ovid Avenue to E Douglas Avenue
- SE 25th Court from E Watrous Avenue to dead end N of E Rose Avenue
- SE 2nd Street from E Edison Avenue to E Jackson Avenue
- SE 25th Street from E Watrous Avenue to N of E Watrous Avenue
- Pioneer Road from E Indianola Avenue to SE 6th Street
- E Jackson Avenue from SE 1st Street to SE 6th Street
- Hughes Avenue from SE 21st Street to SE 22nd Street

I hereby certify that the construction of said 2008 Expanded Street Resurfacing Program - Contract 1, Activity ID 06-2008-017, has been completed in substantial compliance with the terms of said contract, and I hereby recommend that the work be accepted. The work commenced on August 18, 2008, and was completed on December 23, 2008.

I further certify that \$798,495.10 is the total cost of said improvement, of which \$708,795.14 has been paid the Contractor and \$49,775.20 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$39,924.76 is to be paid at the end of thirty days, provided no claims or liens have been filed against said contract. In the event that at the end of said thirty (30) day period, claims are on file as herein provided, the City of Des Moines shall continue to retain from said unpaid funds, a sum not less than double the total amount of all claims on file, or the full Chapter 573 Code of Iowa retainage amount, whichever is lesser. The amount of completed work is shown on the attached Estimate of Construction Completed.



Jeb E. Brewer, P.E.
Des Moines City Engineer

ESTIMATE OF CONSTRUCTION COMPLETED
FOR WORK DONE FROM 9/26/08 TO 12/18/08
PARTIAL PAYMENT NO. 2 (FINAL)

ACTIVITY ID: 06-2008-017



DATE: 12/18/08

PROJECT: 2008 EXPANDED STREET RESURFACING - CONTRACT 1
CONTRACTOR: DES MOINES ASPHALT & PAVING CO.

PARTIAL PAYMENT NO. 2 (FINAL)

LINE NO.	DESCRIPTION	UNIT	UNITS			TOTAL AMOUNT
			ESTIMATED	AUTHORIZED	CONSTRUCTED TO DATE	
1	PAVEMENT SCARIFICATION, 2" THICK	SY	33,200	33,200	33,849.600	\$50,774.40
2	HMA (1 M ESAL) SURF, 1/2", FRIC. L-4	TON	8800	8800	8,483.080	\$657,438.70
3	MOBILIZATION	L.S	1	1	1.000	\$15,500.00
4	MILL PCC BUTT JOINTS	L.S	1	1	1.030	\$19,000.00
5	MANHOLE ADJUSTING RING	EACH	40	40	43.000	\$7,740.00
6	BASE REPAIR	SY	300	300	42.000	\$5,250.00
7	TRAFFIC CONTROL	L.S	1	1	1.000	\$12,870.00
8	PROJECT SIGN - SMALL	EACH	28	28	28.000	\$2,940.00
9	CLEAN & PREPARATION OF BASE	MILE	4.1	4.1	4.200	\$2,760.00
10	REMOVE & REPLACE M-A INTAKE	EACH	2	2	3.000	\$3,500.00
11	REMOVE & REPLACE M-F INTAKE	EACH	2	2	0.000	\$6,000.00
12	NEW MANHOLE LID	EACH	10	10	0.000	\$125.00
13	INTAKE RISERS	EACH	30	30	24.000	\$4,320.00
CO 1	ADJUST CONTRACT ITEM AMOUNTS TO AS-BUILT QUANTITIES					
	TOTAL CONTRACT AMOUNT PLUS CHANGE ORDERS		\$798,495.10			
	PARTIAL PAYMENT NO. 1		\$708,795.14			
	THIS PARTIAL PAYMENT		\$49,775.20			
	TOTAL PARTIAL PAYMENTS		\$758,570.34			
	BALANCE		\$39,924.76			
	Percent Complete	100%				
	TOTAL					\$798,495.10
	RETAINAGE					\$39,924.76
	TOTAL LESS RETAINAGE					\$758,570.34
	LESS PREVIOUS PAYMENT					\$708,795.14
	AMOUNT DUE					\$49,775.20

PARTIAL PAYMENT NO. 2 (FINAL)

PREPARED BY: 
CHECKED BY: 

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