

DATE March 9, 2009

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT
FOR M. L. KING JR. PARKWAY AND FLEUR DRIVE INTERSECTION/BRIDGES COMBINED
PROJECT, JENSEN CONSTRUCTION CO. AND UNITED CONTRACTORS, INC., A JOINT
VENTURE**

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 M. L. King Jr. Parkway and Fleur Drive Intersection/Bridges Combined Project, 06-2004-009, in accordance with the contract approved between Jensen Construction Co. and United Contractors, Inc., A Joint Venture, Kurt E. Rasumussen, Owner And Gary B. Sandquist, President, 5550 NE 22nd Street, Des Moines, IA 50313, under Roll Call No. 03-2922, of December 22, 2003, 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 \$28,417,643.29 is the total cost, of which \$28,397,633.09 has been paid the Contractor, with a \$9,989.82 reimbursement from the Contractor for overpayment, and \$0.00 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$30,000.02 is to be paid at the end of thirty days, provided no claims or liens have been filed against said contract, and also provided that a release of this payment has been approved by the Iowa Department of Transportation through the Des Moines Engineering Department. The Engineering and Finance Departments shall not release this payment until all projects audits have been completed, and any monetary penalties resulting from audit deficiencies shall be deducted from said balance of \$30,000.02 before being released to the Contractor. The Mayor be and is hereby authorized and directed to sign the Iowa Department of Transportation Certificate of Completion and Final Acceptance of Agreement Work. 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.

★ Roll Call Number

Agenda Item Number

10A


DATE March 9, 2009

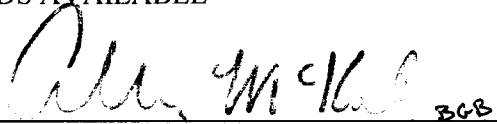
BE IT FURTHER RESOLVED: That the Des Moines Finance Director be and is hereby authorized to release said retainage if suit is not filed as above provided.

Moved by _____ to adopt.

FORM APPROVED:

FUNDS AVAILABLE





Kathleen Vanderpool
Deputy City Attorney

Allen McKinley
Des Moines Finance Director

Funding Source: 2009-2010 CIP, Page Street-22, Martin Luther King Jr. Parkway - North/South Segment, STR138, Various Funding, Being:

\$15,388,039.18 In Federal Funds from various Federal Highway Agreements, \$7,213,368.59 in Iowa DOT Revitalize Iowa's Sound Economy (RISE) Program funds, \$5,352,035.17 State Interim Loan funds, and \$464,200.36 in City Tax Increment funds from STR138 for local match and non-reimbursable items.

NHSX-U-2787(205)--8S-77, NHSX-U-2787(213)--8S-77, NHSX-U-2787(214)--8S-77,
NHSX-U-2787(310)--8S-77, NHSX-U-2787(311)--8S-77

DES

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
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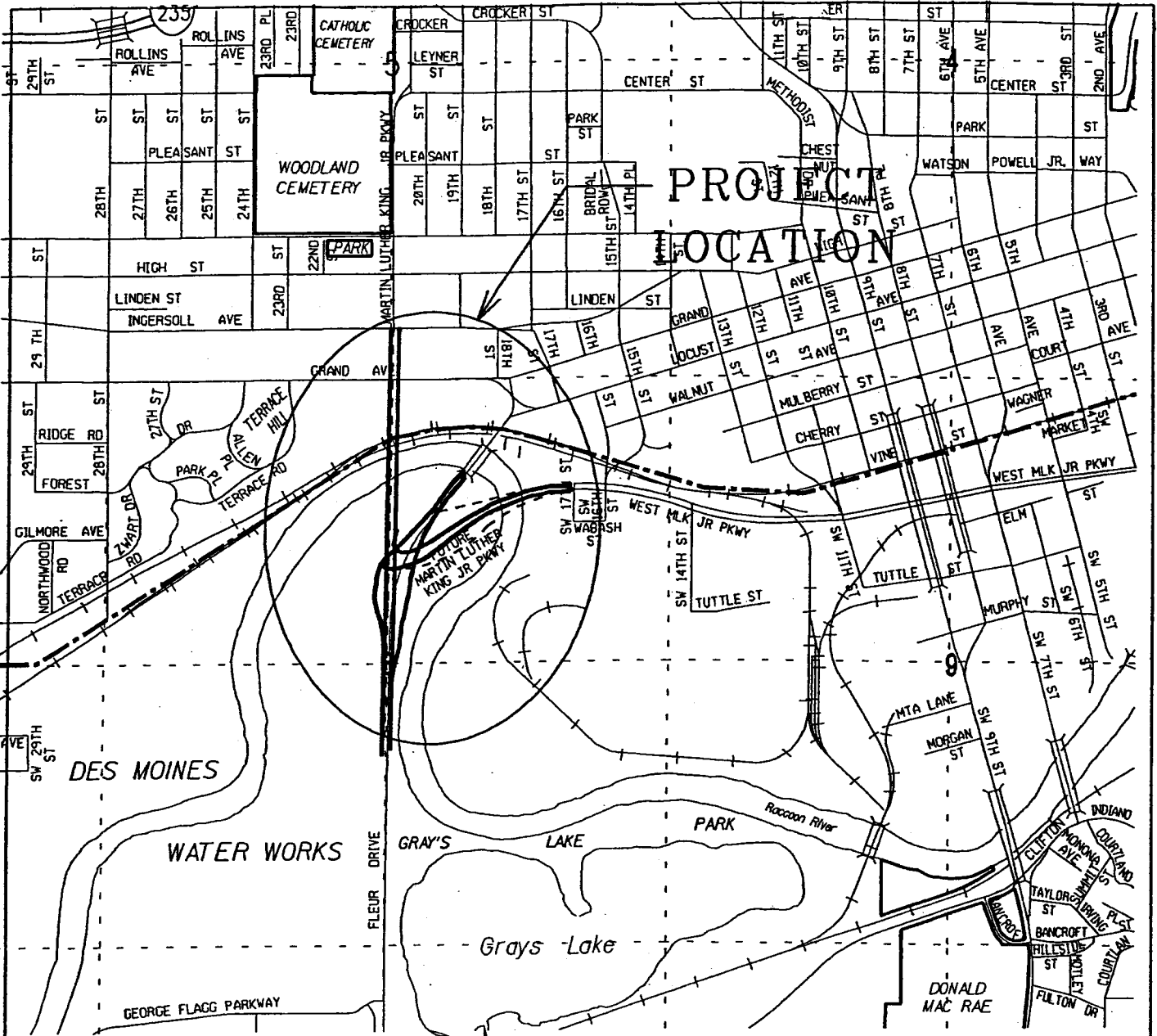
MOTION CARRIED APPROVED

Mayor

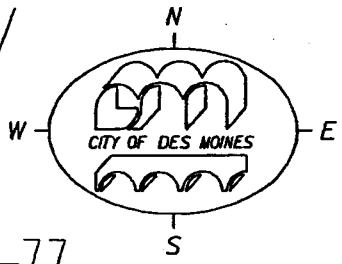
I, Diane Rauh, City Clerk of said City Council, hereby certify that at a meeting of the City Council, held on the above date, among other proceedings the above was adopted.

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

City Clerk



M.L. KING JR. PARKWAY/FLEUR BRIDGES/
 INTERSECTION COMBINED PROJECT
 CITY ACTIVITY ID 06-2004-009



- IDOT PROJECT NOS. NHSX-U-2787(205)--8S-77
- NHSX-U-2787(213)--8S-77
- NHSX-U-2787(214)--8S-77
- NHSX-U-2787(310)--8S-77
- NHSX-U-2787(311)--8S-77

PROJECT SUMMARY

M L King Jr Pkwy & Fleur Dr Inter/Bridge

Activity ID 06-2004-009

M.L. King Jr. Parkway and Fleur Drive Intersection/Bridges Combined Project,

Combined City Activity ID 06-2004-009,

On December 22, 2003, under Roll Call No. 03-2922, the City Council awarded the contract for the below improvements to Jensen Construction Co. and United Contractors, Inc., A Joint Venture, in the amount of \$28,183,298.40 to complete the following construction projects as one combined project:

M.L. King Jr. Parkway--North/South Bridge Over the Raccoon River,
City Activity ID 12-2002-01,
IDOT Project No. NHSX-U-2787(205)--8S-77.

M.L. King Jr. Parkway--Fleur Drive Intersection and Ramps Grading/Paving,
City Activity ID 06-2004-008,
IDOT Project Nos. NHSX-U-2787(213)--8S-77 & NHSX-U-2787(214)--8S-77.

M.L. King Jr. Parkway--East/West Signature Bridge Over the Raccoon River,
City Activity ID 12-2002-003,
IDOT Project No. NHSX-U-2787(310)--8S-77.

M.L. King Jr. Parkway-- East/West Bridge Over Northbound Fleur Drive Ramp,
City Activity ID 12-2002-002,
IDOT Project No. NHSX-U-2787(311)--8S-77.

Generally located near the intersection of M.L. King Jr. Parkway, Fleur Drive, and West M.L. King Jr. Parkway.

Tabulated below is a history of project change orders.

Change Order No.	Description	Initiated By	Amount
1	4/13/2004 This change order includes two additional precore borings to determine the top of the shale layer of two of the proposed drilled shafts.	Consultant	\$3,828.00
2	4/26/2004 In order to fully utilize all Federal funding for this project, some of the bid items from the Grading section of this contract are being switched to the Paving section.	Engineering	\$0.00

<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
5	6/11/2004 This change order includes the deletion of some of the detour pavement and the addition of casing pipe being installed in three of the drilled shafts of the west abutment of the east/west bridge.	Consultant	\$9,961.62
6	6/21/2004 This change order includes adding casing pipe to 5 of the drilled shafts of the west abutment of the E/W Signature Bridge over the Raccoon River as well as adding casing pipe to the 7 drilled shafts of the east abutment of the E/W Bridge over the NB Fleur Drive Ramp.	Consultant	\$122,424.18
7	6/21/2004 This change order includes the emergency restoration of the Raccoon River flood levee as well as completing all the repairs necessary to reopen Fleur Drive to traffic after the recent flooding.	Consultant	\$27,568.70
3	6/23/2004 This change order includes various changes in the proposed storm sewer design so that the revised design matches the existing site conditions, as well as eliminate potential erosion problems with various outlet structures.	Consultant	\$9,701.80
4	6/23/2004 This change order includes various changes to the proposed storm sewer design and chain link fence installation so that the revised design matches the existing site conditions, as well as the abandonment of a 12 inch monitoring well of unknown origin.	Consultant	\$9,318.20
8	10/12/2004 This change order includes the added cost of providing the revised reinforcing paving baskets as requested by the IDOT.	Consultant	\$6,915.48

<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
9	12/28/2004 This change order includes the deletion of part of the original Road Opening Bonus that was specified to occur prior to December 31, 2004 and substituted in its place a new Road Opening Bonus that is specified to occur prior to December 31, 2004.	Consultant	\$0.00
10	12/28/2004 This change order includes the deletion of part of the Road Opening Bonus that was specified to occur prior to December 31, 2004 and substitute in its place a new Road Opening Bonus that is specified to occur prior to May 27, 2005.	Consultant	\$0.00
11	2/28/2005 This change order includes the addition of Class 10 Excavation, Roadway & Borrow, and PCC Sidewalk, 175mm being added to this contract to widen the proposed multi-use trail. This work is being paid for by the Meredith Corporation as a donation to the City of Des Moines.	Consultant	\$19,275.00
12	2/16/2005 This change order includes: 1) Deletion of all Type A Signs. 2) Deletion of all Type B Signs. 3) Addition of Revised Type A Signs. 4) Addition of Revised Type B Signs. 5) Addition of Revised Light Pole Bases.	Consultant	\$7,346.92
15	2/21/2005 This change order includes additional load testing and subsequent deflection monitoring of two steel transverse beams and the steel arches to compare actual deflections verses calculated deflections prior to pouring the bridge deck.	Consultant	\$8,854.77
13	2/28/2005 This change order includes the construction of 68 meters of 600mm wide PCC Curb and Gutter that was removed at the south end of the project in order to construct a temporary traffic crossover.	Consultant	\$8,602.00

<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
14	3/9/2005 This change order includes: 1) Deletion of 600 meters of Concrete Temp. Barrier Rail. 2) Addition of 1 Traffic Control Sign. 3) Addition of 2 Speed Limit Signs. 4) Addition of 154 Tubular Traffic Control Markers. 5) Addition of 1 Lane Closure at Ingersoll Avenue. 6) Addition of 8 Road Closures on Fleur Drive.	Consultant	\$6,592.50
16	3/9/2005 This change order includes: 1) The addition of shear studs on the transverse beams and the addition of tack welds on the arch rib field splices. 2) The addition of fabricating the hanger plates out of fracture critical steel. 3) The elimination of the expansion joint conflicts. 4) The elimination of the under-deck drainage piping conflicts. 5) The elimination of the PT bar anchor plate conflicts.	Consultant	\$9,537.50
17	4/11/2005 This change order includes: 1) Remove intake 303. 2) Remove utility access 301A. 3) Remove storm sewer pipe run P-303. 4) Delete PCC Curb & Gutter. 5) Add storm sewer run P-303 & new P-303A. 6) Partial installation of structures 301A & 303. 7) Deduct for PVC irrigation sleeves.	Consultant	\$9,687.00
18	5/31/2005 This change order includes the addition of 350 M3 of Class 10 Excavation, Roadway and Borrow, which is necessary to comply with the AASHTO design criteria when widening the trail from 3.0 Meters to 3.6 Meters.	Consultant	\$5,250.00
19	5/31/2005 This change order includes: 1) Add 345.2 KG of additional reinforcing steel to the paving notch of the N/S Raccoon River Bridge. 2) Add 14 larger anchor plates for the specialty light poles required on this project. 3) Add the lump sum cost of providing additional reinforcing to the bridge curbs. 4) Add the lump sum cost of providing additional reinforcing to the back walls of the south abutment.	Consultant	\$6,730.01

<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
20	6/13/2005 Add Stm. Sewer Utility Access, RA-50, Corrugated Metal Stm. Sewer, Remove Intake Top and Replace With Solid Top, Dico Contaminated Soil Disposal, Silt Basins, Pavement Rubblization, and Temporary Southbound Fleur Ramp Lighting. Delete Pavement Removal and M-A Intake.	Consultant	\$9,043.68
21	6/2/2005 Add temporary traffic signal work at MLK and Ingersoll, steel conduit at the ends of the N/S MLK Bridge and E/W MLK Bridge over Fleur, and handhole modifications at the MLK and Ingersoll.	Consultant	\$9,585.30
22	5/23/2005 This Change Order Includes: 1) Add the difference in seed price between the specified IDOT Rural Seed and the requested Salt Tolerant Roadside Seed. 2) Add the difference in seed price between the specified IDOT Rural Seed and the requested Native Planting No-Mow Seed.	Consultant	\$24,926.00
24	6/9/2005 Add sidewalk under Grand Avenue Bridge. Delete the high voltage cables onl services F & G. Add bridge railing on the MLK N/S Bridge.	Consultant	\$9,930.74
28	6/9/2005 Add 186.3 M painted pavement markings, 480 M intersection marking tape, 5 pre-cut symbols and legends, 373.8 M grooving for pavement markings, and grooving for 5 symbols and legends. Delete 106.2 M of permanent marking tape.	Consultant	\$5,693.15
25	6/13/2005 Add 145 M2 of PCC sidewalk. Delete 1 Single Davit Arm Lighting Unit and 1Type 'B' Luminaire. Add purchase cost only of one spare light pole and luminaire. Add various intake revisions.	Consultant	\$9,689.56

<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
26	6/17/2005 Add 152.2 M3 of structural concrete and 319 KG of epoxy coated reinforcing steel to the E/W MLK Bridge. Delete 109 M of 910 mm steel casing from the E/W MLK Ramp Bridge. Add one fire hydrant relocation, and storm sewer structure revisions.	Consultant	\$8,852.76
23	6/24/2005 Remove & replace vehicle damaged PCC pavement. Removal & disposal of sleeper beams discovered supporting the construction joints of the existing Fleur Drive Bridge approach slabs.	Consultant	\$8,671.63
27	8/1/2005 This change order includes: 1) Adding 1560.6 meters of grooving for pavement markings. 2) Adding 1560.6 meters of durable painted pavement markings.	Consultant	\$9,472.84
29	8/5/2005 This change order includes: 1) Add 815 KG of reinforcing steel. 2) Add 3,148.4 KG of epoxy coated reinforcing steel. 3) Add 8 revised light pole anchor plates. 4) Add Pier 3 and Pier 4 column ties. 5) Add payment for 2,069 KG of unused reinforcing steel. 6) Add the modification of the expansion joint cover plates.	Consultant	\$7,693.99
30	8/12/2005 This change order includes: 1) Adding a lane closure on MLK north of Ingersoll Avenue. 2) Adding several safety fences between the two bridges of the North/South MLK Raccoon River Bridge. 3) Converting intake #512 into a manhole structure. 4) Adding fill material to ensure proper drainage past several DMWW valve structures.	Consultant	\$9,961.60
31	8/19/2005 This change order includes: 1) Delete 4 RA-50 Storm Sewer Utility Access. 2) Delete 8 City of Des Moines Type M-C Utility Access. 3) Delete 2 City of Des Moines Type M-G Intake. 4) Add 4 Revised RA-50 Storm Sewer Utility Access. 5) Add 8 Revised City of Des Moines Type M-C Utility Access. 6) Add 2 Revised City of Des Moines Type M-G Intake.	Consultant	\$9,143.50

<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
32	8/24/2005 This change order includes: 1) Field bending the end beam reinforcing steel which is in conflict with the post-tensioning ducts. 2) Adding one-half of the cost of removing and replacing the storm sewer pipe and intake structure which are in conflict with the paving operation.	Consultant	\$8,667.89
33	9/19/2005 This change order includes: 1) Delete 2,030.0 M2 of the detour pavement. 2) Add Lump Sum cost of adding 22,448.1 M3 of overexcavation and 5,612.0 M3 of overexcavation borrow (shrinkage) to this contract.	Consultant	\$9,128.00
34	10/18/2005 1) Adding an additional 100.2 M3 of flowable mortar to this contract. 2) Adding an additional 33 days of construction flaggers to this contract. 3) Adding a lump sum credit to this contract for modifications made to the lawn irrigation system.	Consultant	\$9,814.59
35	3/7/2006 Add traffic signal detector loops, add stone drainage pads, remove grease stains from the tie beam, and investigate the hanger cable guide pipe grease issues.	Consultant	\$9,096.71
36	3/7/2006 Add additional days of Flaggers, and add Buffalo Sod Watering.	Consultant	\$9,084.00
37	5/12/2006 Delete 1/3 of the No Excuse Road Opening Bonus, add the Construction of a Fall Protection System on the Tied-back Retaining Walls, and add the Cleaning and Sealing of the MLK Arch Bridge Tie Beams and Sidewalk.	Consultant	\$7,754.40
38	7/22/2006 Delete the construction of various Concrete Water Valve Structures and a Demonstration Drilled Shaft, and add various degreasing and disposal operations as well as the installation of Hanger Tube Drainage Holes in the George Washington Carver Bridge.	Consultant	\$1,323.00

Change Order No.	Description	Initiated By	Amount
40	8/14/2006 Add 1,755.0 meters of additional silt fence to this project.	Consultant	\$9,652.50
41	11/8/2006 Add one Intake Extension Unit, 4.3 meters of additional Concrete Drilled Shafts, revisions to the Arch Bridge Electrical Junction Boxes, and additional Traffic Control in the vicinity of the MLK Northbound Fleur Drive Ramp Bridge.	Consultant	\$7,404.25
39	11/16/2006 This change order brings seeding, fertilizing, mulching, wood excelsior mat and tree staking in line with field measured quantities.	Consultant	\$6,402.76
43	1/9/2007 Add the necessary repairs and modifications to the lightning protection system of the steel arches of the East/West MLK Bridge over the Raccoon River as a result of vandalism.	Consultant	\$9,989.78
44	3/1/2007 Adjust final quantities to match as-built quantities on various bid items. Also, add the Price Adjustment for Bridge Deck Smoothness for the MLK Northbound Fleur Drive Ramp Bridge.	Consultant	\$9,528.60
42	4/6/2007 This change order brings the Longitudinal Grooving, Granular Backfill, PCC Trial Batch, Concrete Drilled Shafts, MSE Retaining Wall, Deck Drainage Pipe, Rigid Steel Conduit, Slope Protection, and Detour Pavement quantities in line with field measured quantities. Also included is the Price Adjustment Incentive for Bridge Deck Smoothness.	Consultant	\$9,477.00
45	2/15/2008 Adjust final quantities to match as-built quantities on various bid items. Delete the Trial Batch Structural Concrete, and the Demonstration Drilled Shaft Bid Items. Add the Removal and Replacement of Bridge Tendon and the Arch Bridge Grinding and Chipping Bid Items.	Consultant	\$17,675.26

Change Order No.	Description	Initiated By	Amount
46	4/15/2008 Adjust final quantities to match as-built quantities on various bid items. Adjust final quantities of various landscaping bid items to represent various plan revisions. And include the PCC Pavement Thickness Incentive and PCC Pavement Smoothness Incentive as per IDOT Specifications.	Consultant	(\$83,422.68)
47	4/16/2008 Adjust final quantities to match as-built quantities on various bid items. Also include the IDOT Fuel Adjustment for the affected excavation items.	Consultant	(\$204,042.95)
48	10/6/2008 Delete the reinforcing steel that was not incorporated into this project due to a reinforcing steel redesign.	Consultant	(\$2,793.15)
49	1/27/2009 Adjust final quantities to match as-built quantities on 1830 MM Concrete Drilled Shafts, and Arch Bridge Tie Beams Post Tensioning Tendon Weight.	Consultant	\$5,346.50
Original Contract Amount			\$28,183,298.40
Total Change Orders			\$234,344.89
Percent of Change Orders to Original Contract			0.83%
Final Contract Amount			\$28,417,643.29

March 9, 2009

CERTIFICATION OF COMPLETION

AGENDA HEADING:

Accepting completed construction and approving final payment for the M. L. King Jr. Parkway and Fleur Drive Intersection/Bridges Combined Project, Jensen Construction Co. and United Contractors, Inc., A Joint Venture.

SYNOPSIS:

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

FISCAL IMPACT:

Amount: \$28,417,643.29 As-Built Contract Cost

Funding Source: 2009-2010 CIP, Page Street-22, Martin Luther King Jr. Parkway - North/South Segment, STR138, Various Funding, Being: \$15,388,039.18 In Federal Funds from various Federal Highway Agreements, \$7,213,368.59 in Iowa DOT Revitalize Iowa's Sound Economy (RISE) Program funds, \$5,352,035.17 State Interim Loan funds, and \$464,200.36 in City Tax Increment funds from STR138 for local match and non-reimbursable items.

CERTIFICATION OF COMPLETION:

On December 22, 2003, under Roll Call No. 03-2922, the City Council awarded a contract to Jensen Construction Co. and United Contractors, Inc., A Joint Venture, Kurt E. Rasumussen, Owner And Gary B. Sandquist, President, 5550 NE 22nd Street, Des Moines, IA 50313 for the construction of the following improvement:

M. L. King Jr. Parkway and Fleur Drive Intersection/Bridges Combined Project, 06-2004-009

The improvement includes construction of the following as one combined project:

M. L. King Jr. Parkway - North/South Bridge Over the Raccoon River, Activity ID 12-2002-001, Project No. NHSX-U-2787(205)--8S-77; M. L. King Jr. Parkway - Fleur Drive Intersection and Ramps Grading/Paving, Activity ID 06-2004-008, Project No. NHSX-U-2787(213)--8S-77 & NHSX-U-2787(214)--8S-77; M. L. King Jr. Parkway - East/West Signature Bridge Over the Raccoon River, Activity ID 12-2002-003, Project No. NHSX-U-2787(310)--8S-77; M. L. King Jr. Parkway - East/West Bridge Over Northbound Fleur Drive Ramp, Activity ID 12-2002-002, Project No. NHSX-U-2787(311)--8S-77; generally located near the interesection of M. L. King Jr. Parkway, Fleur Drive, and West M. L. King Jr. Parkway, Des Moines, Iowa

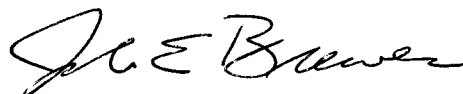


ENGINEERING DEPARTMENT
CITY HALL
400 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309-1891
(515) 283-4920
FAX (515) 283-4112

ALL-AMERICA CITY
1949, 1976, 1981
2003

I hereby certify that the construction of said M. L. King Jr. Parkway and Fleur Drive Intersection/Bridges Combined Project, Activity ID 06-2004-009, 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 January 12, 2004, and was completed on February 25, 2009.

I further certify that \$28,417,643.29 is the total cost of said improvement, of which \$28,397,633.09 has been paid the Contractor, with a \$9,989.82 reimbursement from the Contractor for overpayment and \$0.00 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$30,000.02 is to be paid at the end of thirty days, provided no claims or liens have been filed against said contract, and also provided that a release of this payment has been approved by the Iowa Department of Transportation through the Des Moines Engineering Department. The Engineering and Finance Departments should not release this payment until all projects audits have been completed, and any monetary penalties resulting from audit deficiencies should be deducted from said balance of \$30,000.02 before being released to the Contractor. 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