

★ **Roll Call Number**

Agenda Item Number

.....
Date April 24, 2006

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.....ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR THE SW 9TH STREET WIDENING AT PORTER AVENUE, M. PETERSON CONSTR. CO.

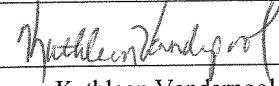
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the attached report of the Chief Civil Engineer, showing the cost of construction of the SW 9th Street Widening at Porter Avenue, Activity ID 06-2001-008, Project No. HES-U-1945(659)--8X-77, in accordance with the contract approved between M. Peterson Constr. Co., Merlin Peterson, President, 4000 Delaware Avenue, Des Moines, IA, 50313, under Roll Call No. 03-1356, of June 9, 2003, and the City of Des Moines, Iowa, and recommending the acceptance thereof, be and the same is hereby approved, and accepted, and

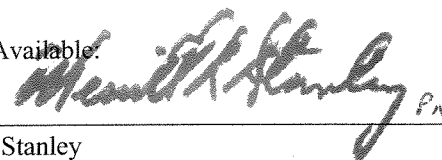
BE IT FURTHER RESOLVED: That \$1,925,818.86 is the total cost, of which \$1,895,818.86 has been paid the Contractor, and \$0.00 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$30,000.00 is to be paid at the end of thirty days, provided no claims or liens have been filed against said contract, and provided that a release of this payment has been approved by the Iowa Department of Transportation through the Department of Engineering for the City of Des Moines, Iowa. Said Engineering Department 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 \$30,000.00 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 shall continue to retain from said unpaid funds, a sum not less than double the total amount of all claims on file, 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 will be required to release the retainage which it is now holding.

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

Moved by _____ to adopt. Funds Available.

FORM APPROVED: 
 Kathleen Vanderpool
 Deputy City Attorney


 Merrill Stanley
 Finance Director

 Funding: \$257,039.71 in G. O. Bonds, 2005-2006 CIP, Page Street-46, SW 9th & Porter Avenue Intersection, STR193, Activity ID 06-2001-008, with \$1,557,320.15 in Iowa DOT FHWA HES Funds (90% of construction excluding storm sewer) and \$111,459.00 in Des Moines Water Works (Division 3) Funds

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

CERTIFICATE

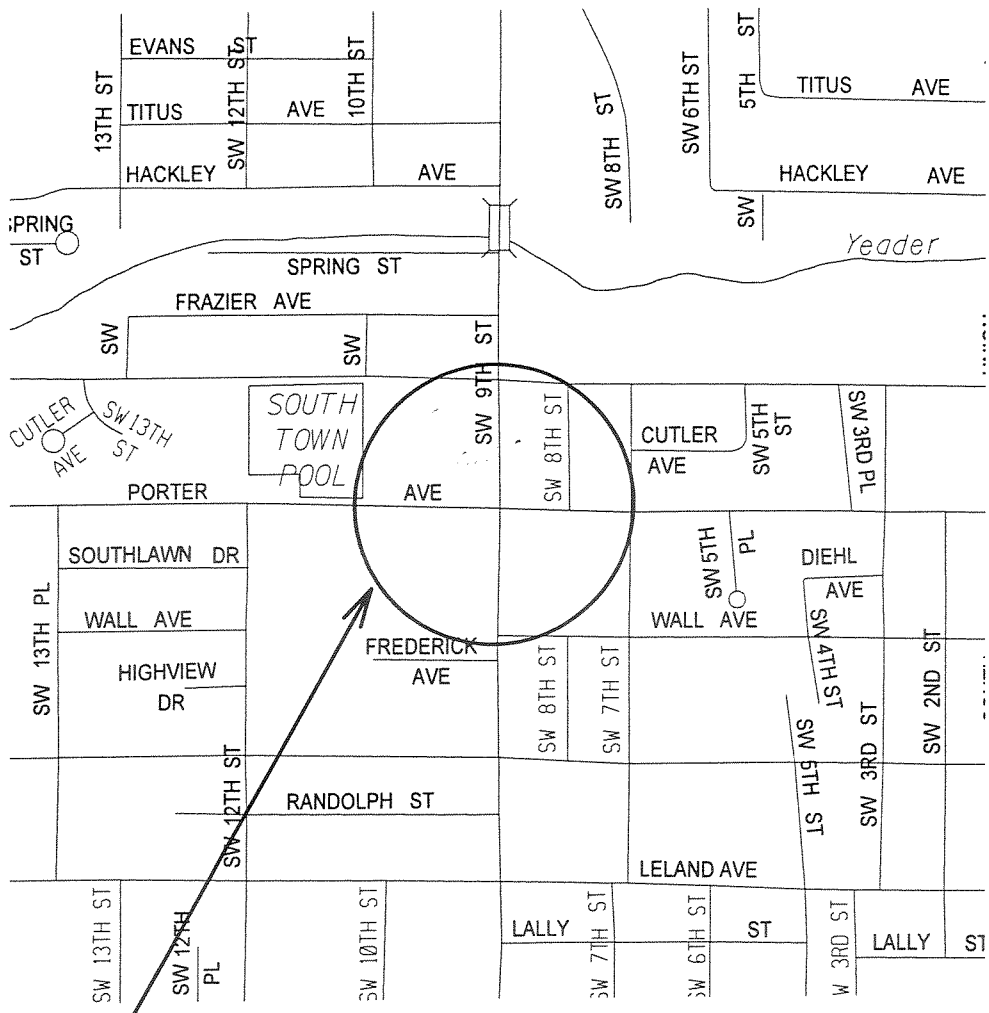
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

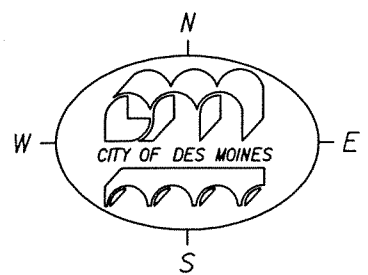
 Mayor

 City Clerk

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PROJECT
LOCATION



SW 9TH ST. WIDENING AT PORTER AVE.
ACTIVITY ID 06-2001-008

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April 24, 2006

CERTIFICATION OF COMPLETION

AGENDA HEADING:

Accepting completed construction and approving final payment for the SW 9th Street Widening at Porter Avenue.

SYNOPSIS:

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

FISCAL IMPACT:

Amount: \$ 1,925,818.86 As-Built Contract Cost

Funding Source: \$257,039.71 in G.O. Bonds, 2005-2006 CIP, Page Street-46, SW 9th & Porter Avenue Intersection, STR193, Activity ID 06-2001-08, with \$1,557,320.15 in Iowa DOT FHWA HES Funds (90% of construction excluding storm sewer) and \$111,459.00 in Des Moines Water Works (Division 3) Funds

CERTIFICATION OF COMPLETION:

On June 9, 2003, under Roll Call No. 03-1356, the City Council awarded a contract to M. Peterson Construction Company, Merlin Peterson, President, 4000 Delaware Avenue, Des Moines, IA 50313 for the construction of the following improvement:

SW 9th Street Widening at Porter Avenue, 06-2001-008

Widening and reconstructing SW 9th Street with 10-inch thick full-depth Portland cement concrete and with 2-inch thick hot mix asphalt surfacing over 10-inch Portland cement concrete; widening and reconstructing Porter Avenue with 10-inch thick full-depth Portland cement concrete; together with pavement removal, storm drainage, subdrain, aggregate subbase, traffic signals, driveways, sidewalks, and other incidental items; in accordance with the contract documents, including Plan File Nos. 418-001/159, on:

SW 9th Street from Frederick Avenue to Kenyon Avenue, and on Porter Avenue from SW 9th Street to 300' west.

I hereby certify that the construction of said SW 9th Street Widening at Porter Avenue, Activity ID 06-2001-008, 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 June 23, 2003, and was completed on April 13, 2006.



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

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I further certify that \$1,925,818.86 is the total cost of said improvement, of which \$1,895,818.86 has been paid the Contractor and \$0.00 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$30,000.00 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 3/10/05 TO 4/06/06
PARTIAL PAYMENT NO. 12 (Final)

PROJECT: SW 9th Street Widening at Porter Avenue
CONTRACTOR: M. Peterson Construction Company

LINE NO.	DESCRIPTION	UNIT	UNITS			TOTAL AMOUNT	
			ESTIMATED	AUTHORIZED	CONSTRUCTED TO DATE		
0010	CLEAR+GRUBB	UNIT	530.000	671.500	671.500	\$30.00	\$20,145.00
0020	SELECTED BACKFILL	CY	50.000	0.000		\$20.00	\$0.00
0030	EXCAVATION, CL 13, RDWY+BORROW	CY	8,240.000	8,593.000	8,593.000	\$12.00	\$103,116.00
0040	TOPSOIL, STRIP, SALVAGE+SPREAD	CY	1,110.000	1,110.000	1,110.000	\$20.00	\$22,200.00
0050	MODIFIED SUBBASE	CY	2,467.000	2,735.000	2,735.000	\$10.00	\$27,350.00
0060	SHLD FINISH, EARTH	STA	32.000	23.960	23.960	\$250.00	\$5,990.00
0070	BASE, STD/S-F PCC, 10"	SY	926.000	891.776	891.776	\$34.00	\$30,320.38
0080	CLEAN+PREPARATION OF BASE	MILE	0.140	0.140	0.140	\$10,000.00	\$1,400.00
0090	PATCH, FULL-DEPTH REPAIR	SY	26.000	50.971	50.971	\$105.00	\$5,351.96
0100	PATCH BY COUNT (REPAIR)	EACH	4.000	6.000	6.000	\$420.00	\$2,520.00
0110	RMVL OF CURB	STA	8.510	8.926	8.926	\$800.00	\$7,140.80
0120	PAV'T, SCARIFICATION	SY	3,089.000	3,088.778	3,088.778	\$4.00	\$12,355.11
0130	STD/S-F PCC PAV'T, CL C CL 3, 10"	SY	5,572.000	5,572.000	5,572.000	\$44.00	\$245,168.00
0140	PCC PAV'T SAMPLE	LS	1.000	1.000	1.000	\$2,000.00	\$2,000.00
0150	HMA COMMERCIAL MIX (INCL ASPH BINDER)	TON	10.000	0.000		\$200.00	\$0.00
0160	HMA WEDGE/LEVEL/STRENGTH	TON	60.000	0.000		\$80.00	\$0.00
0170	HMA (3M ESAL) SURF, 1/2", FRIC L-4	TON	500.000	585.980	585.980	\$55.00	\$32,228.90
0180	ASPH BINDER, PG 64-22	TON	33.600	52.200	52.200	\$200.00	\$10,440.00
0190	ADJUSTMENT OF FIXTURE	EACH	2.000	2.000	2.000	\$150.00	\$300.00
0200	SURF, DRIVEWAY, CL A CR STONE	TON	250.000	0.000		\$25.00	\$0.00
0210	RMVL OF INTAKE	EACH	3.000	2.000	2.000	\$450.00	\$900.00
0220	RMVL OF UTILITY ACCESS	EACH	4.000	4.000	4.000	\$990.00	\$3,960.00
0230	SUBDRAIN, LONGITUDINAL, (SHLD) 4"	LF	3,735.000	3,721.000	3,721.000	\$17.00	\$63,257.00
0240	SUBDRAIN OUTLET, (RF-19C)	EACH	11.000	7.000	7.000	\$80.00	\$560.00
0250	INTAKE, TYPE M-A	EACH	6.000	4.000	4.000	\$2,310.00	\$9,240.00
0260	INTAKE, TYPE M-C	EACH	2.000	2.000	2.000	\$3,570.00	\$7,140.00
0270	RMV STORM SEWER PIPE <=/= TO 36"	LF	235.000	165.000	165.000	\$15.00	\$2,475.00
0280	SWR, 2000D STORM, 15"	LF	680.000	676.000	676.000	\$57.50	\$38,870.00
0290	SWR, PLASTIC STORM, 8"	LF	16.000	13.000	13.000	\$107.00	\$1,391.00
0300	UTILITY ACCESS, CONVERT INTAKE TO	EACH	1.000	1.000	1.000	\$2,915.00	\$2,915.00
0310	SWR, DUCTILE IRON SAN, 10"	LF	10.000	10.000	10.000	\$860.00	\$8,600.00
0320	RMVL OF PAV'T	SY	3,831.000	3,881.588	3,881.588	\$12.00	\$46,579.06

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PROJECT: SW 9th Street Widening at Porter Avenue
 CONTRACTOR: M. Peterson Construction Company

LINE NO.	DESCRIPTION	UNIT	UNITS			CONSTRUCTED TO DATE	UNIT PRICE	TOTAL AMOUNT
			ESTIMATED	AUTHORIZED				
0330	RMVL OF SIDEWALK	SY	1,538.000	1,529.056	1,529.056	\$12.00	\$18,348.67	
0340	SIDEWALK, PCC, 4"	SY	1,344.000	1,316.819	1,316.819	\$26.85	\$35,356.59	
0350	SIDEWALK, PCC, 8"	SY	125.000	164.431	164.431	\$49.85	\$8,196.89	
0360	CURB+GUTTER, PCC, 1.5'	LF	17.000	57.900	57.900	\$44.00	\$2,547.60	
0370	CURB+GUTTER, PCC, 4.5'	LF	230.000	239.000	239.000	\$40.00	\$9,560.00	
0380	SPECIAL CURB, AS PER PLAN	LF	46.000	48.600	48.600	\$60.00	\$2,916.00	
0390	DRIVEWAY, PCC, 7"	SY	2,150.000	2,035.830	2,035.830	\$29.75	\$60,565.94	
0400	RMVL OF PAVED DRIVEWAY	SY	2,300.000	2,313.778	2,313.778	\$12.00	\$27,765.34	
0410	RMVL OF RETAINING WALL+FOOTING	LS	1.000	1.000	1.000	\$10,000.00	\$10,000.00	
0420	SAFETY CLOSURE	EACH	6.000	4.000	4.000	\$200.00	\$800.00	
0430	FENCE, CHAIN LINK, VINYL COATED	STA	9.650	9.005	9.005	\$1,925.00	\$17,334.63	
0440	FENCE, RMV+REINSTALL CHAIN LINK	STA	0.800	1.810	1.810	\$900.00	\$1,629.00	
0450	FIELD OFFICE	EACH	1.000	1.000	1.000	\$2,500.00	\$2,500.00	
0460	TRAFFIC SIGNALIZATION	LS	1.000	1.000	1.000	\$98,000.00	\$98,000.00	
0470	PAINTED PAVEMENT MARKING	STA	83.000	159.873	159.873	\$15.00	\$2,398.10	
0480	PERM TAPE MARK, PROFILED PAV'T MARK TAPE	STA	65.500	49.402	49.402	\$425.00	\$20,995.85	
0490	PERM TAPE MARK, INTERSECTION MARK TAPE	STA	14.220	31.749	31.749	\$425.00	\$13,493.33	
0500	PRE-CUT SYMBL+LEGND, INTERSECT MARK TAPE	EACH	6.000	6.000	6.000	\$250.00	\$1,500.00	
0510	PAV'T MARK RMV'D	STA	122.000	91.070	91.070	\$40.00	\$3,642.80	
0520	GROOVES CUT FOR PAVEMENT MARKINGS	STA	50.000	81.151	81.151	\$100.00	\$8,115.10	
0530	GROOVE CUT - SYMBOL+LEGEND	EACH	6.000	6.000	6.000	\$100.00	\$600.00	
0540	TEMP TRAFFIC SIGNAL	EACH	1.000	1.000	1.000	\$7,500.00	\$7,500.00	
0550	TRAFFIC CONTROL	LS	1.000	1.000	1.000	\$12,050.00	\$12,050.00	
0560	FLAGGER	Day	5.000	10.500	10.500	\$225.00	\$2,362.50	
0570	MOBILIZATION	LS	1.000	1.000	1.000	\$10,000.00	\$10,000.00	
0580	MODULAR BLOCK RETAIN WALL	SF	7,075.000	7,126.000	7,126.000	\$19.00	\$135,394.00	
0590	FIRE HYDRANT ASSEMBLIES	EACH	3.000	3.000	3.000	\$3,145.00	\$9,435.00	
0600	WATER MAIN, DUCTILE IRON, 8"	LF	280.000	0.000	0.000	\$80.00	\$0.00	
0610	WATER MAIN, DUCTILE IRON, 12"	LF	380.000	0.000	0.000	\$126.50	\$0.00	
0620	WATER MAIN FITTING	LB	822.000	1,143.000	1,143.000	\$10.00	\$11,430.00	
0630	DISCONNECT WATER SERVICE	EACH	2.000	4.000	4.000	\$2,110.00	\$8,440.00	
0640	LOWER WATER SERVICE, 2" DIA	EACH	1.000	2.000	2.000	\$2,905.00	\$5,810.00	
0650	LOWER WATER SERVICE W/COPPER	EACH	8.000	7.000	7.000	\$3,515.00	\$24,605.00	
0660	NEW WATER SERVICE	EACH	2.000	0.000	0.000	\$3,515.00	\$0.00	
0670	RELOCATE WATER SERVICE STOP BOX	EACH	1.000	0.000	0.000	\$820.00	\$0.00	
0680	WATER VALVE, GATE MECHANICAL JOINT 8 IN	EACH	2.000	2.000	2.000	\$770.00	\$1,540.00	

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PROJECT: SW 9th Street Widening at Porter Avenue
CONTRACTOR: M. Peterson Construction Company

PARTIAL PAYMENT NO. 12 (Final)

LINE NO.	DESCRIPTION	UNIT	UNITS			TOTAL AMOUNT
			ESTIMATED	AUTHORIZED	CONSTRUCTED TO DATE	
0690	WATER VALVE, GATE MECHANICAL JOINT 12 IN	EACH	2.000	1.000	1.000	\$1,360.00
0700	CHIMNEY SEAL	EACH	5.000	5.000	5.000	\$1,500.00
0710	INLET FILTER, TYPE 1	EACH	8.000	0.000		\$0.00
0720	LOWER SANITARY SEWER SERVICE	EACH	12.000	10.000	10.000	\$6,400.00
0730	PREPARE EXCAVATION FOR TAPPING SLEEVE & VALVE	EACH	1.000	1.000	1.000	\$3,500.00
0740	REMOVAL OF LIGHTS	EACH	4.000	3.000	3.000	\$280.00
0750	TYPE B CASTING	EACH	5.000	5.000	5.000	\$2,250.00
0760	UTILITY ACCESS, TYPE MA	EACH	2.000	2.000	2.000	\$2,780.00
0770	UTILITY ACCESS, 40" x 40" TYPE MB	EACH	1.000	1.000	1.000	\$2,500.00
0780	WATER SERVICE TRANSFER, 1 IN	EACH	3.000	2.000	2.000	\$2,840.00
0790	WATER SERVICE TRANSFER, 4 IN	EACH	1.000	1.000	1.000	\$5,250.00
0800	WATER SERVICE TRANSFER, 8 IN	EACH	1.000	1.000	1.000	\$7,500.00
0810	WATER TAP, 1"	EACH	2.000	0.000		\$0.00
0820	REMOVAL OF FENCE	LF	275.000	159.000	159.000	\$306,075.00
0830	STEPS, TYPE "B" CONCRETE	SF	776.000	1,210.500	1,210.500	\$72,630.00
0840	FOUNDATION ROCK	TON	15.000	15.000	15.000	\$555.00
0850	SODDING	SQ	1,000.000	451.570	451.570	\$16,256.52
0860	WATERING-SOD/SPEC DITCH CNTL/SLOPE PROTECT	MGAL	50.000	48.000	48.000	\$288.00
0870	SILT FENCE	LF	300.000	0.000		\$0.00
0880	REMOVAL OF SILT FENCE	LF	300.000	0.000		\$0.00
0890	CLEAN-OUT OF SILT FENCE	LF	300.000	0.000		\$0.00
	Change Order No. 1-Contract Item					
8001	Change Order No. 2-Reclaimed concrete	Unit		24.000	24.000	\$2,400.00
8002	Change Order No. 2-Labor	HR		99.000	99.000	\$4,950.00
8003	Change Order No. 2-Backhoe	HR		16.000	16.000	\$1,600.00
	Change Order No. 3-Contract Items					
8004	Change Order No. 3-Water Main, Polyvinyl Chloride, 8 In.	LF		288.000	288.000	\$21,744.00
8005	Change Order No. 3-Water Main, Polyvinyl Chloride, 12 In.	LF		378.000	378.000	\$46,305.00
8006	Change Order No. 4-Lower 4" water Service at Sta 14+30	LS		1.000	1.000	\$3,951.16
8007	Change Order No. 5-Lower 6" Fire Service at Sta 14+30	LS		1.000	1.000	\$7,684.22
8008	Change Order No. 6-Lower 2" Water Service at Sta 15+84	LS		1.000	1.000	\$7,217.32
8009	Change Order No. 7-Relocate fire hydrant at Sta 7+00	LS		1.000	1.000	\$1,043.63
8010	Change Order No. 8-Hot Mix Asphalt Mixture, Wedge, Leveling Course	TON		328.560	328.560	\$77.00
8011	Change Order No. 8-Place and Maintain Traffic Control Drums	LS		1.000	1.000	\$3,190.00
8012	Change Order No. 10-Skid Loader	HR		11.500	11.500	\$920.00
8013	Change Order No. 10-Repair drainage pipe	EACH		1.000	1.000	\$143.25

PROJECT: SW 9th Street Widening at Porter Avenue
 CONTRACTOR: M. Peterson Construction Company

PARTIAL PAYMENT NO. 12 (Final)

LINE NO.	DESCRIPTION	UNIT	UNITS		CONSTRUCTED TO DATE	UNIT PRICE	TOTAL AMOUNT
			ESTIMATED	AUTHORIZED			
	TOTAL CONTRACT AMOUNT PLUS CHANGE ORDERS		\$1,925,818.86				
	PARTIAL PAYMENT NO. 1		\$378,190.50				
	PARTIAL PAYMENT NO. 2		\$70,197.44				
	PARTIAL PAYMENT NO. 3		\$127,409.55				
	PARTIAL PAYMENT NO. 4		\$98,022.92				
	PARTIAL PAYMENT NO. 5		\$228,170.60				
	PARTIAL PAYMENT NO. 6		\$84,543.70				
	PARTIAL PAYMENT NO. 7		\$181,516.72				
	PARTIAL PAYMENT NO. 8		\$289,439.68				
	PARTIAL PAYMENT NO. 9		\$225,114.91				
	PARTIAL PAYMENT NO. 10		\$197,994.00				
	PARTIAL PAYMENT NO. 11		\$15,218.84				
	THIS PARTIAL PAYMENT		\$0.00				
	TOTAL PARTIAL PAYMENTS		\$1,895,818.86				
	BALANCE		\$30,000.00				
		Percent Complete		100%			
	TOTAL					\$1,925,818.86	
	RETAINAGE (\$30,000 max)					\$30,000.00	
	TOTAL LESS RETAINAGE					\$1,895,818.86	
	LESS PREVIOUS PAYMENT					\$1,895,818.86	
	AMOUNT DUE					\$0.00	

PARTIAL PAYMENT NO. 12 (Final)

PREPARED BY: *[Signature]*

CHECKED BY: *[Signature]*

M. Peterson Const: *[Signature]*

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PROJECT SUMMARY

SW 9th St Widening at Porter Ave

Activity ID 06-2001-008

On June 9, 2003, under Roll Call 03-1355, the City Council awarded the contract for the above improvement to M. Peterson Construction Company in the amount of \$2,088,461.40, for the construction of left turn lanes and traffic signals at SW 9th St and Porter Ave.

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	6/19/2003 Decrease "Removal of Fence" by 116 LF.	Engineering	(\$223,300.00)
2	7/16/2003 Construct temporary drive to 5602 SW 9th Street	Engineering	\$1,000.00
3	8/5/2003 Change water main material type	Engineering	(\$2,780.00)
4	9/5/2003 Lowering 4" private water service to Orchard Place.	Contractor	\$3,951.16
5	9/11/2003 Lower private 6" fire service	Contractor	\$7,684.22
6	9/18/2003 Lower 2" private water service to Hamiltons Funeral Home	Contractor	\$7,217.32
7	9/24/2003 Relocate fire hydrant at Sta 7+00	Contractor	\$1,043.63
8	10/27/2003 Winter shutdown	Engineering	\$9,970.00

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<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
9	11/14/2003 Mutual Benefit at no cost to add 25 working days to Stage 1 completion, delete contract/proposal Note 500.02 concerning winter free time.]],and delete contract/proposal Note 500.15 requiring a six day work week effective October 4, 2003.	Engineering	\$0.00
10	12/1/2003 HMA, quantity adjustments, pipe repair & traffic signs	Engineering	\$9,293.67
11	5/14/2004 Backfill modular walls with modified backfill	Engineering	\$9,405.00
12	5/21/2004 Reclaimer, crossover removal, intakes and septic tanks removal	Engineering	\$5,535.00
13	6/1/2004 Stabilize subgrade in northbound lanes	Contractor	\$7,358.22
14	7/2/2004 Type "B" Steps modification	Engineering	\$9,419.87
15	11/3/2004 Remove and replace sidewalk damaged by MidAmerican Energy	Engineering	\$1,916.81
16	11/3/2004 Mulch placement, intake repair and handrails	Contractor	\$1,706.90
17	1/10/2005 Modular Wall Repair damaged by hit and run vehicle.	Contractor	\$1,217.98
18	3/15/2005 IDOT overrun/underrun Change Order	Regulator	\$6,971.52
19	3/16/2005 Adjust final quantities to asbuilt measurements.	Engineering	(\$20,253.85)

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<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
	Original Contract Amount		\$2,088,461.40
	Total Change Orders		(\$162,642.55)
	Percent of Change Orders to Original Contract		-7.79%
	Final Contract Amount		\$1,925,818.85