



Roll Call Number

Agenda Item Number

16 B

DATE July 24, 2006

ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR GREENHOUSES AT CHESTERFIELD, LEGACY CONSTRUCTION GROUP

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 Greenhouses at Chesterfield, 11-2004-019, in accordance with the contract approved between Legacy Construction Group, Douglas N. Stephens, President, 1751 Destination Drive, #A, Grimes, IA 50111, under Roll Call No. 05-350, of February 7, 2005, 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 \$394,346.00 is the total cost, of which \$369,928.10 has been paid the Contractor, and \$4,700.60 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$19,717.30 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:

Kathleen Vanderpool
Deputy City Attorney

FUNDS AVAILABLE

Allen McKinley
Des Moines Finance Director

Funding Source: 2006-2007 CIP, Page Park-8, Green Houses at Chesterfield, PKS161, G. O. Bonds



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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
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

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PROJECT SUMMARY

Greenhouses at Chesterfield

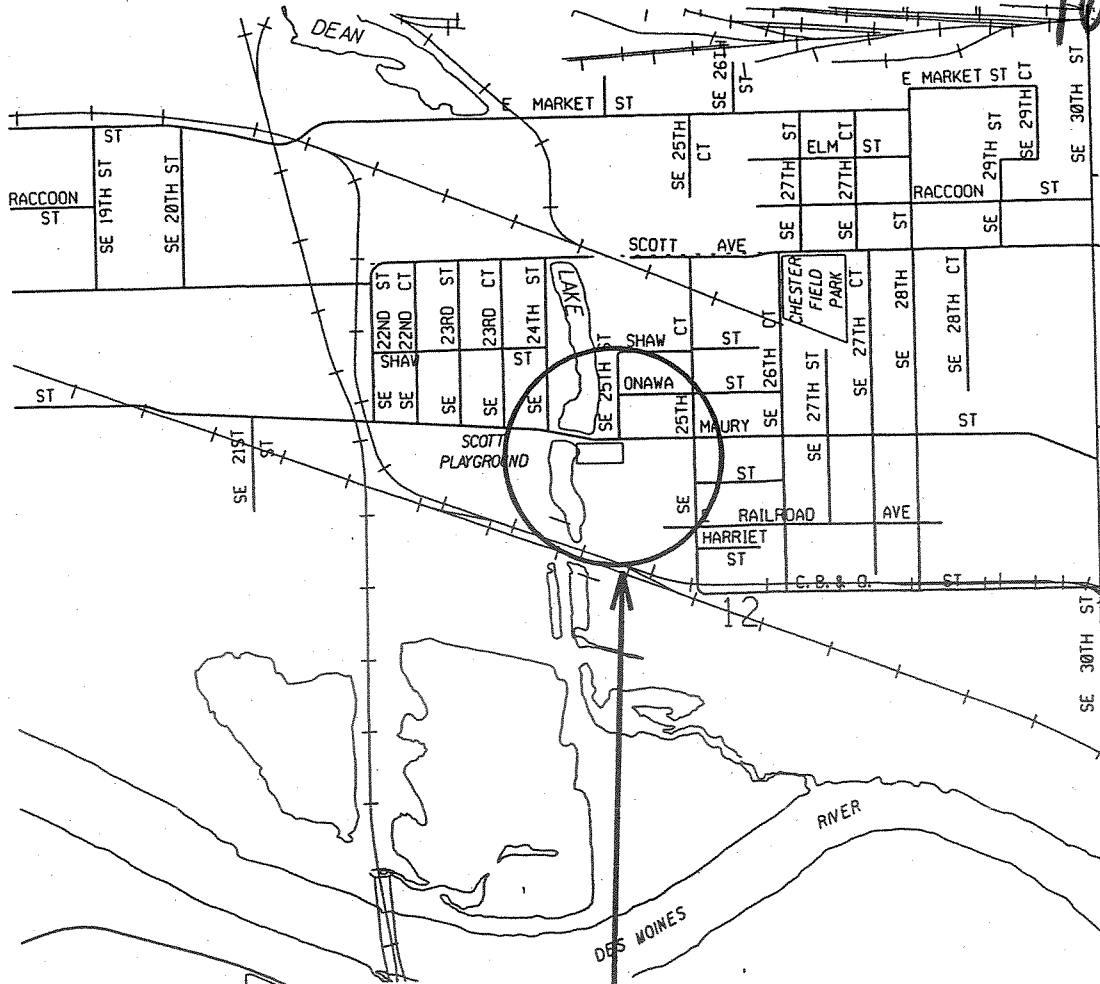
Activity ID 11-2004-019

On February 7, 2005, under Roll Call No. 05-350, the City Council awarded the contract for the above improvement to Legacy Construction Group, in the amount of \$372,563.00 to construct a new greenhouse and related work.

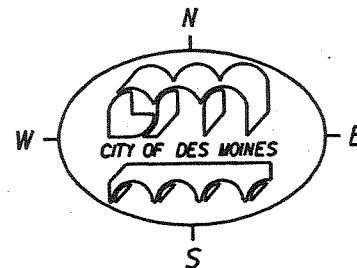
Tabulated below is a history of project change orders.

Change Order No.	Description	Initiated By	Amount
1	6/10/2005 Add 1300 s.f. of concrete paving and necessary grading.	Consultant	\$6,588.00
2	7/26/2005 Relocate existing light pole. Remove three large tree root balls. Provide additional trucking to assist Parks Depart in completing the import of fill material. Provide stabilization fabric under the gravel at the greenhouse interior.	User	\$5,530.00
3	8/11/2005 Provide additional length of fence to enclose greenhouse.	User	\$7,780.00
4	11/29/2005 Add gates and impose liquidated damages.	User	\$1,885.00
Original Contract Amount			\$372,563.00
Total Change Orders			\$21,783.00
Percent of Change Orders to Original Contract			5.85%
Final Contract Amount			\$394,346.00

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PROJECT LOCATION



GREENHOUSES AT CHESTERFIELD ACTIVITY I.D. 11-2004-019

16 B

July 24, 2006

CERTIFICATION OF COMPLETION

AGENDA HEADING:

Accepting completed construction and approving final payment for the Greenhouses at Chesterfield, Legacy Construction Group.

SYNOPSIS:

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

FISCAL IMPACT:

Amount: \$394,346.00 As-Built Contract Cost

Funding Source: 2006-2007 CIP, Page Park-8, Green Houses at Chesterfield, PKS161, G. O. Bonds

CERTIFICATION OF COMPLETION:

On February 7, 2005, under Roll Call No. 05-350, the City Council awarded a contract to Legacy Construction Group, Douglas N. Stephens, President, 1751 Destination Drive, #A, Grimes, IA 50111 for the construction of the following improvement:

Greenhouses at Chesterfield, 11-2004-019

Construction of a production greenhouse including site work, concrete, manufactured greenhouses, mechanical, electrical, plumbing and other related work; in accordance with the contract documents, including Plan File Nos. 444-90/99 at the Chesterfield Community Center, 2501 Maury Street, Des Moines, Iowa

I hereby certify that the construction of said Greenhouses at Chesterfield, Activity ID 11-2004-019, 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 April 25, 2005, and was completed on July 18, 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 \$394,346.00 is the total cost of said improvement, of which \$369,928.10 has been paid the Contractor and \$4,700.60 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$19,717.30 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.

A handwritten signature in black ink, reading "Jeb E. Brewer". The signature is written in a cursive style. To the right of the signature is a small, empty rectangular box.

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