

DATE September 11, 2006

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT
FOR HAWTHORNE PARK SHELTER, JOHNSON CONCRETE & PETROLEUM CONST. INC.**

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 Hawthorne Park Shelter, 11-2005-007, in accordance with the contract approved between Johnson Concrete & Petroleum Const. Inc., Robert L. Johnson, President, 107 Arthur Avenue, Des Moines, IA 50313, under Roll Call No. 05-1441, of June 6, 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 \$231,490.00 is the total cost, of which \$219,915.50 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 \$11,574.50 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.

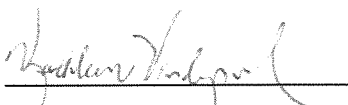
BE IT FURTHER RESOLVED: That the Engineering Department be and is hereby authorized and directed to notify all persons and firms with outstanding Chapter 573 claims against said project, that the project has been given final acceptance as completed by this City Council, that they have 60 days from such 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.

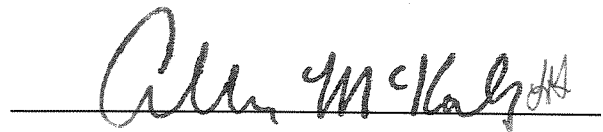
Moved by _____ to adopt.

FORM APPROVED:

FUNDS AVAILABLE



Kathleen Vanderpool
Deputy City Attorney



Allen McKinley
Des Moines Finance Director

Funding Source: 2006-2007CIP, Page Parks-17, Park Redevelopment, PKS100, G. O. Bonds

★ Roll Call Number

Agenda Item Number

13 E

Date September 11, 2006

DR

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

CERTIFICATE

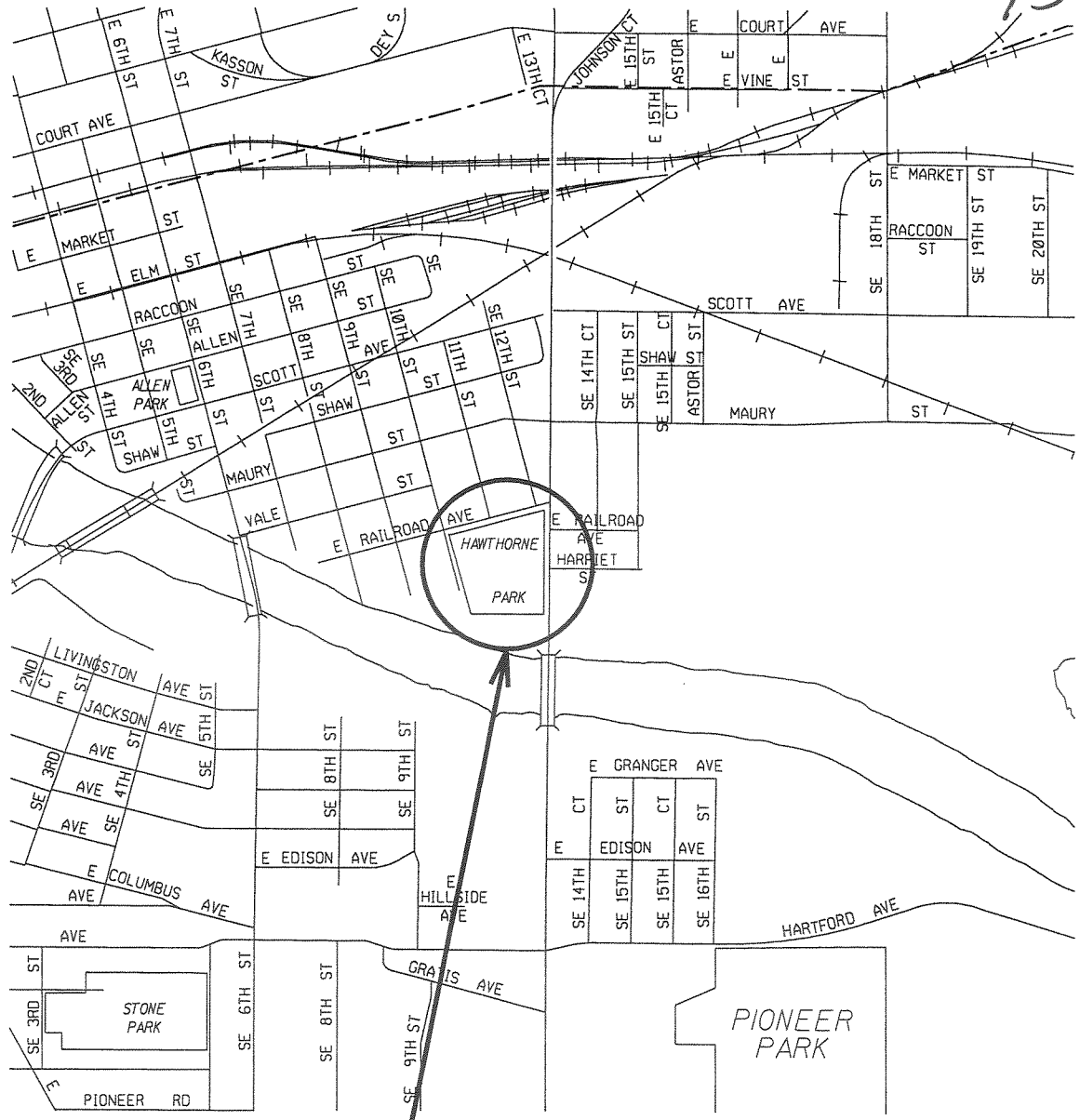
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

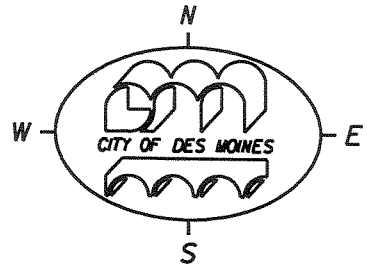
Mayor

City Clerk

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**PROPERTY
LOCATION**



**HAWTHORNE PARK SHELTER
ACTIVITY I.D. 11-2005-007**

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PROJECT SUMMARY

Hawthorne Park Shelter Activity ID 11-2005-007

On June 6, 2005, under Roll Call No. 05-1441, the City Council awarded the contract for the above improvement to Johnson Concrete & Petroleum Const. Inc., in the amount of \$224,565.00, to construct a new park shelter.

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	3/8/2006 Formed footings due to unstable soil.	Contractor	\$6,325.00
2	7/25/2006 Provide hoods over the light fixtures to prevent birds landing/nesting.	Consultant	\$600.00
Original Contract Amount			\$224,565.00
Total Change Orders			\$6,925.00
Percent of Change Orders to Original Contract			3.08%
Final Contract Amount			\$231,490.00

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September 11, 2006

CERTIFICATION OF COMPLETION

AGENDA HEADING:

Accepting completed construction and approving final payment for the Hawthorne Park Shelter, Johnson Concrete & Petroleum Const. Inc..

SYNOPSIS:

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

FISCAL IMPACT:

Amount: \$231,490.00 As-Built Contract Cost

Funding Source: 2006-2007CIP, Page Parks-17, Park Redevelopment, PKS100, G. O. Bonds

CERTIFICATION OF COMPLETION:

On June 6, 2005, under Roll Call No. 05-1441, the City Council awarded a contract to Johnson Concrete & Petroleum Const. Inc., Robert L. Johnson, President, 107 Arthur Avenue, Des Moines, IA 50313 for the construction of the following improvement:

Hawthorne Park Shelter, 11-2005-007

Construction of a 3200 sq. ft. shelter building. Work includes concrete, steel, carpentry, roofing, electrical and other related items; in accordance with the contract documents, including Plan File Nos. 445-89/94 at Hawthorne Park, 1101 E. Railroad Avenue, Des Moines, Iowa

I hereby certify that the construction of said Hawthorne Park Shelter, Activity ID 11-2005-007, 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 September 12, 2005, and was completed on September 5, 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

I further certify that \$231,490.00 is the total cost of said improvement, of which \$219,915.50 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 \$11,574.50 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, P.E.", with a small flourish at the end.

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



AIA Document G702™ - 1992

Application and Certificate for Payment

TO OWNER: PROJECT: City of Des Moines APPLICATION NO: 9 (FINAL) DISTRIBUTION TO: OWNER ARCHITECT CONTRACTOR FIELD OTHER
Hawthorne park shelter PERIOD TO: 8-2006
Activity # 11-2005-009 CONTRACT FOR: Hawthorne park shelter

FROM CONTRACTOR: Johnson concrete & petroleum const inc. VIA ARCHITECT: DUNAWT CONTRACT DATE: 6-6-2005
102 AHW Ave Des Moines IA 50309 PROJECT NOS: 25750100
Des Moines IA 50303 PK11 parott

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.

- ORIGINAL CONTRACT SUM \$ 287,565.00
- Net change by Change Orders \$ 6,925.00
- CONTRACT SUM TO DATE (Line 1 ± 2) \$ 231,490.00
- TOTAL COMPLETED & STORED TO DATE (Column G on G703) \$ 231,490.00
- RETAINAGE:
 - % of Completed Work (Column D + E on G703) \$ 11,574.50
 - % of Stored Material (Column F on G703) \$ 201,490.00

Total Retainage (Lines 5a + 5b or Total in Column I of G703) \$ 11,574.50

- TOTAL EARNED LESS RETAINAGE \$ 219,915.50
- LESS PREVIOUS CERTIFICATES FOR PAYMENT \$ 201,490.00
- CURRENT PAYMENT DUE \$ 18,425.50
- BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6) \$ 11,574.50

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$ 6,325.00	\$
Total approved this Month	\$ 600.00	\$
TOTALS	\$ 6,925.00	\$
NET CHANGES by Change Order	\$ 6,925.00	\$

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: Robert J. Johnson Date: 8-2006
 By: [Signature]
 State of: Iowa
 County of: Polk
 Subscribed and sworn to before me this 2nd day of August 2006
 Notary Public: Gray K. Garrison
 My Commission expires: May 2008

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 \$ 11,574.50
 (Attach explanation if amount differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)
 ARCHITECT: [Signature]
 By: [Signature] Date: 8.7.06

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

CONTINUATION SHEET

AIA DOCUMENT G703 (Instructions on reverse side)

PAGE OF PAGES

AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification, is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO.:

APPLICATION DATE:

PERIOD TO:

ARCHITECT'S PROJECT NO.:

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G		H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE) RATE
			FROM PREVIOUS APPLICATION (L)	(L + J)			TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G ÷ C)		
1	Footings	7,500.00	7,500.00				7,500.00	100	0	
2	Piers	25,039.25	25,039.25				25,039.25	100	0	
3	Floor	14,564.50	14,564.50				14,564.50	100	0	
4	Drain	6,300.50	6,300.50				6,300.50	100	0	
5	Pool Decking	28,600.50	28,600.50				28,600.50	100	0	
6	Roof	23,976.00	23,976.00				23,976.00	100	0	
7	Roof	28,446.50	28,446.50				28,446.50	100	0	
8	Steel	15,500.00	15,500.00				15,500.00	100	0	
9	Formwork	9,819.50	9,819.50				9,819.50	100	0	
10	Electrical	9,223.00	9,223.00				9,223.00	100	0	
11	Painter	14,806.00	14,806.00				14,806.00	100	0	
12	Bond	2,988.25	2,988.25				2,988.25	100	0	
13	change order #1	6,325.00	6,325.00				6,325.00	100	0	
14	change order #2	600.00	600.00				600.00	100	0	
		231,490.00	231,490.00				231,490.00	100	0	



AIA DOCUMENT G703 • CONTINUATION SHEET FOR G702 • 1992 EDITION • AIA® • ©1992 • THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVENUE, N.W., WASHINGTON, D.C. 20006-5292 • WARNING: Unlicensed photocopying violates U.S. copyright laws and will subject the violator to legal prosecution.

G703-1992

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