

September 11, 2006

Date

ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR THE M. L. KING JR. PKWY PROJECT; INGERSOLL AVE TO CENTER ST - MISCELLANEOUS, SMITH SEEDING, INC.

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 M. L. King Jr. Pkwy Project; Ingersoll Ave to Center St - Miscellaneous, Activity ID 04-2003-006, Project No. NHSX-U-2787(209)--8S-77, in accordance with the contract approved between Smith Seeding, Inc., John E. Smith, President, 23363 Highway 1, Keosauqua, IA, 52565, under Roll Call No. 02-2232, of September 9, 2002, 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 \$719,821.80 is the total cost, of which \$698,227.15 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 \$21,594.65 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 \$21,594.65 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
Kathleen Vanderpool
Deputy City Attorney

Allen McKinley
Allen McKinley
Finance Director

Funding: Various Funding, 2006-2007 CIP, Page Street-25, Martin Luther King Jr. Parkway - N/S and E/W Combined, STR138, being: 80% of participating item cost of \$680,801.55 which equals \$544,641.24 in Iowa DOT T-21 Funds with remaining \$153,285.91 local match

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

CERTIFICATE

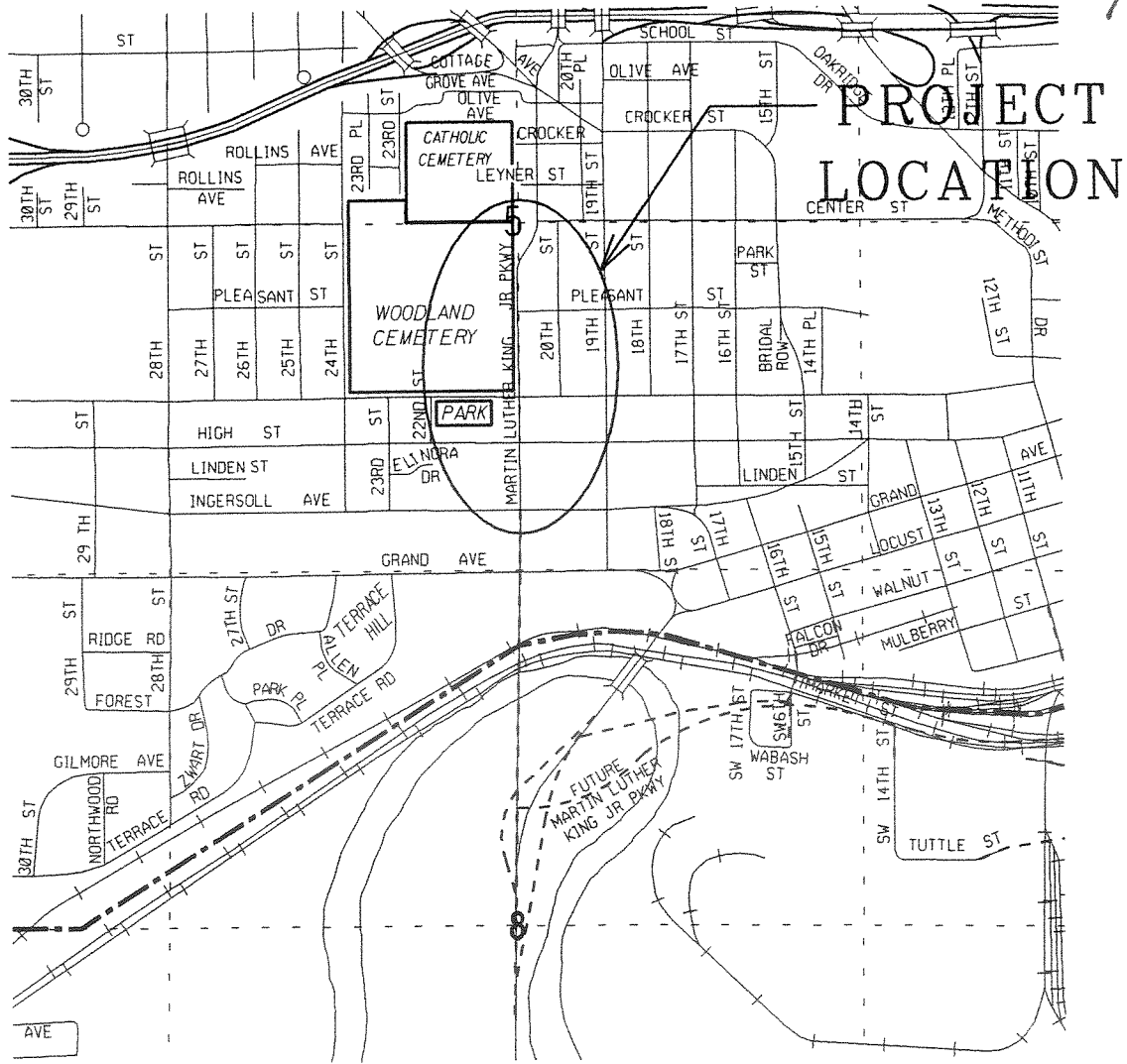
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

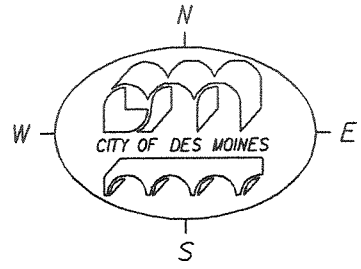
MOTION CARRIED APPROVED

Mayor

City Clerk



PROJECT
LOCATION



MARTIN LUTHER KING JR. PARKWAY
 PROJECT-MISCELLANEOUS
 ACTIVITY ID 04-2003-006
 IDOT PROJECT NO.
 NHSX-U-2787(209)--8S-77

PROJECT SUMMARY

MLK: Ingersoll Ave. to Center St. Misc.

Activity ID 04-2003-006

Martin Luther King Jr. Parkway Project; Ingersoll Avenue to Center Street - Miscellaneous, Activity ID 04-2003-006, IDOT Project No. NHSX-U-2787(209)--8S-77

On September 9, 2002, under Roll Call No. 02-2232, the City Council awarded the contract for the above improvement to Smith Seeding, Inc. in the amount of \$826,550.00, to complete the construction of a masonry pier and painted ornamental steel fence along the west side of MLK adjacent to the Woodland Cemetery; construction of a masonry brick visual barrier wall along the east side of MLK from north of Woodland Avenue to north of Center Street; construction of a masonry pier, masonry piers and sign, granite pier, granite piers and sign at various locations; relocation of the Woodland Cemetery gates and entrance monuments; sod restoration; and construction survey; all in accordance with the contract documents including Plan File Nos. 414-061/101 on: Martin Luther King Jr. Parkway Project from Ingersoll Avenue to Center Street.

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	10/24/2002 Price reduction for Ornamental Steel Fence Bid Item and partial/total deletion of several bid items to reduce the contract to project budget.	Consultant	(\$131,850.00)
2	7/28/2003 This change order includes a 60 time extension and a one time \$5,000.00 compensation for work stoppage ordered by the IDOT.	Consultant	\$5,000.00
3	2/10/2005 This change order includes: 1) The deletion of some of the proposed chain link fence removal. 2) The deletion of some of the proposed days of construction flaggers. 3) The addition of some bluegrass sodding. 4) The addition of some buried concrete slab removal and regrading of the area of fence reconstruction.	Consultant	\$818.80
4	3/3/2005 Addition of 16.4 meters of existing chain link fence removal and addition of 29.4 meters of ornamental steel fence installation.	Consultant	\$9,715.80

<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
5	3/11/2005 Addition of two masonry fence piers and purchase of spare fence panels and posts.	Consultant	\$7,709.80
6	8/24/2005 This change order includes the addition of 312.9 M2 of bluegrass sod to this contract.	Consultant	\$1,877.40
Original Contract Amount			\$826,550.00
Total Change Orders			(\$106,728.20)
Percent of Change Orders to Original Contract			-12.91%
Final Contract Amount			\$719,821.80

September 11, 2006

CERTIFICATION OF COMPLETION

AGENDA HEADING:

Accepting completed construction and approving final payment for the M. L. King Jr. Parkway Project; Ingersoll Avenue to Center Street – Miscellaneous, Activity ID 04-2003-006, Smith Seeding, 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: \$719,821.80 As-Built Contract Cost

Funding Source: Various Funding, 2006-2007 CIP, Page 25, Martin Luther King Jr. Parkway – N/S and E/W Combined, STR138, being: 80% of participating item cost of \$680,801.55 which equals \$544,641.24 in Iowa DOT-21 Funds with remaining \$153,285.91 local match



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

CERTIFICATION OF COMPLETION:

On September 9, 2002, under Roll Call No. 02-2232, the City Council awarded a contract to Smith Seeding, Inc., John E. Smith, President, 23363 Highway 1, Keosauqua IA, 52565, for the construction of the following improvement:

M. L. King Jr. Parkway Project; Ingersoll Avenue to Center Street – Miscellaneous, Activity ID 04-2003-006

Construction of a masonry pier and painted ornamental steel fence along the west side of MLK adjacent to the Woodland Cemetery; construction of a masonry brick visual barrier wall along the east side of MLK from north of Woodland Avenue to north of Center Street; construction of a masonry pier, masonry piers and sign, granite pier, granite piers and sign at various locations; relocation of Woodland Cemetery gates and entrance monuments; sod restoration; and construction survey; all in accordance with the contract documents including Plan File Nos. 414 - 061/101 on Martin Luther King Jr. Parkway from Ingersoll Avenue to Center Street.

I hereby certify that the construction of said M. L. King Jr. Parkway Project; Ingersoll Avenue to Center Street – Miscellaneous, Activity ID 04-2003-006, 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 October 9, 2002, and was completed on August 24, 2006.

I further certify that \$719,821.80 is the total cost of said improvement, of which \$698,227.15 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 \$21,594.65 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, appearing to read "Jeb E. Brewer". The signature is written in a cursive style with a small flourish at the end.

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

PARTIAL PAY ESTIMATE NO. 13 (Final)
 MARTIN LUTHER KING JR. PARKWAY
 INGERSOLL AVE TO CENTER STREET : MISCELLANEOUS
 CITY OF DES MOINES, IA
 PROJECT NOS. N15X-2787(209)--85-77
 CITY OF DES MOINES ACTIVITY ID NO. 04-2003-006
 EARTH TECH JOB NO. 55495

Funding Limit: Q920-DEMO IA020 Funds - Federal 80% - \$552,000.00 maximum
 PERIOD ENDING: August 9, 2005

ITEM NO.	ITEM CODE	ITEM	UNIT	UNIT BID PRICE	CONTRACT QUANTITY	CONTRACT AMOUNT	AUTHORIZED QUANTITY	AUTHORIZED AMOUNT	QUANTITY TO DATE	AMOUNT TO DATE
1	2519--422000	REMOVAL OF CHAIN LINK FENCE (CO #3 & #4*)	M	\$ 60.00	400.0	\$ 24,000.00	404.4	\$ 24,264.00	404.4	\$ 24,264.00
2	2526--001000	CONSTRUCTION SURVEY	LS	\$ 8,500.00	1.0	\$ 8,500.00	1.0	\$ 8,500.00	1.00	\$ 8,500.00
3	2528--101000	TRAFFIC CONTROL	LS	\$ 20,000.00	1.0	\$ 20,000.00	1.0	\$ 20,000.00	1.00	\$ 20,000.00
4	2528--107000	FLAGGERS (CO #1 & #3)	DAY	\$ 215.00	30.0	\$ 6,450.00	0.0	\$ -	0.0	\$ -
5	2533--100000	MOBILIZATION	LS	\$ 50,000.00	1.0	\$ 50,000.00	1.0	\$ 50,000.00	1.00	\$ 50,000.00
6	2599--999901	ORNAMENTAL FENCE, PAINTED STEEL (CO #1)	M2	\$ 400.00	390.0	\$ 156,000.00	0.0	\$ -	0.0	\$ -
7	2599--999902	VISUAL BARRIER WALL	M2	\$ 485.00	800.0	\$ 388,000.00	800.0	\$ 388,000.00	800.0	\$ 388,000.00
8	2599--999915	GRANITE PIER (CO #1)	EACH	\$ 10,000.00	1.0	\$ 10,000.00	0.0	\$ -	0.0	\$ -
9	2599--999915	GRANITE PIERS AND SIGN (CO #1)	EACH	\$ 35,000.00	1.0	\$ 35,000.00	0.0	\$ -	0.0	\$ -
10	2599--999915	MASONRY FENCE PIER (CO #1 & #4*)	EACH	\$ 2,000.00	25.0	\$ 50,000.00	25.0	\$ 50,000.00	25.0	\$ 50,000.00
11	2599--999915	MASONRY PIER	EACH	\$ 5,000.00	1.0	\$ 5,000.00	1.0	\$ 5,000.00	1.0	\$ 5,000.00
12	2599--999916	MASONRY PIERS AND SIGN (CO #1)	EACH	\$ 35,000.00	1.0	\$ 35,000.00	0.0	\$ -	0.0	\$ -
13	2599--999916	RELOCATE CEMETERY GATES AND ENTRANCE MONUMENTS	LS	\$ 35,000.00	1.0	\$ 35,000.00	1.0	\$ 35,000.00	1.00	\$ 35,000.00
14	2601--106000	SODDING, BLUEGRASS (CO #3 & #6)	M2	\$ 6.00	600.0	\$ 3,600.00	989.2	\$ 5,935.20	989.2	\$ 5,935.20
CHANGE ORDER ITEMS										
8001	2599--999901	ORNAMENTAL STEEL FENCE (CO #1 & #4*)	M	\$ 297.00			404.4	\$ 120,106.80	404.4	\$ 120,106.80
8002	2599--999916	CONTRACT TIME EXTENSION (CO #2)	LS	\$ -			1.0	\$ -	1.0	\$ -
8003	2599--999916	COMPENSATION FOR WORK DELAYS (CO #2)	LS	\$ 5,000.00			1.0	\$ 5,000.00	1.0	\$ 5,000.00
8004	2599--999916	REMOVE CONCRETE & REGRADE FENCELINE (CO #3)	LS	\$ 4,306.00			1.0	\$ 4,306.00	1.0	\$ 4,306.00
8005	2599--999916	ADDITIONAL FENCE PANELS & POSTS (CO #5*)	LS	\$ 1,929.80			1.0	\$ 1,929.80	1.0	\$ 1,929.80
8006	2599--999916	FENCELINE REGRADING (CO #5*)	LS	\$ 1,780.00			1.0	\$ 1,780.00	1.0	\$ 1,780.00
* Non-Participating Items										
							\$826,550.00		\$719,821.80	\$719,821.80

TOTAL EARNED TO DATE \$ 719,821.80 ✓
 STORED MATERIALS \$ -
 LESS 3% RETAINAGE \$ 21,594.65 ✓
 SUBTOTAL \$ 698,227.15 ✓
 LESS PREVIOUS PAYMENT \$ 698,227.15 ✓
 DUE THIS ESTIMATE \$ (0.00) ✓

REIMBURSEMENT SUMMARY
 DEMO ID IA020 FUNDS
 TOTAL EARNED TO DATE LESS RETAINAGE \$ 698,227.15
 * LESS NON-PARTICIPATING ITEMS \$ 17,425.60
 SUBTOTAL \$ 680,801.55
 FEDERAL SHARE (80%) \$ 544,641.24
 LESS PREVIOUS REIMBURSEMENTS \$ 544,641.24
 REIMBURSEMENT REQUESTED \$ (0.00)

[Signature]
 EARTH TECH PROJECT INSPECTOR
 DATE 6-27-06

[Signature]
 EARTH TECH PROJECT ENGINEER
 DATE 6-27-06

[Signature]
 CITY OF DES MOINES PROJECT ENGINEER
 DATE 7/26/06