

DATE November 6, 2006

ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR COWNIE SOCCER STADIUM EXPANSION, 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 Cownie Soccer Stadium Expansion, 11-2005-005, 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. 05-1828, of July 25, 2005, and the City of Des Moines, and recommending the acceptance thereof, be and the same is hereby approved, and accepted, and

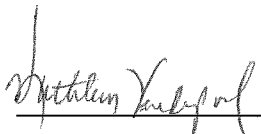
BE IT FURTHER RESOLVED: That \$414,590.49 is the total cost, of which \$392,646.68 has been paid the Contractor, and \$1,214.29 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$20,729.52 is to be paid at the end of thirty days, provided no claims 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.

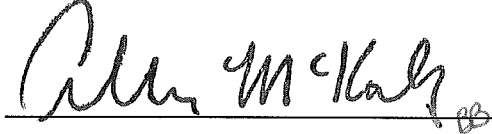
Moved by _____ to adopt.

FORM APPROVED:



Kathleen Vanderpool
Deputy City Attorney

FUNDS AVAILABLE



Allen McKinley
Des Moines Finance Director

Funding Source: 2006 Approved, Page PKS-26, Soccer Complex, PKS159, Various Funding, Being: \$264,590.49 in G. O. Bonds and \$150,000 in private donations

★ Roll Call Number

Agenda Item Number

10B

Date November 6, 2006

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
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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November 6, 2006

CERTIFICATION OF COMPLETION

AGENDA HEADING:

Accepting completed construction and approving final payment for the Cownie Soccer Stadium Expansion, 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: \$414,590.49 As-Built Contract Cost

Funding Source: 2006 Approved, Page PKS-26, Soccer Complex, PKS159, Various

Funding, Being:
\$264,590.49 in G. O. Bonds and \$150,000 in private donations

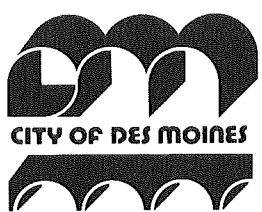
CERTIFICATION OF COMPLETION:

On July 25, 2005, under Roll Call No. 05-1828, 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:

Cownie Soccer Stadium Expansion, 11-2005-005

The construction of split-faced block walls, and the installation of bleachers and PCC sidewalk at Field Nos. 6 and 9, all in accordance with the contract documents, including Plan File Nos. 453-54/63 at the James W. Cownie Soccer Park, 2200 E. Hartford Avenue, Des Moines, Iowa

I hereby certify that the construction of said Cownie Soccer Stadium Expansion, Activity ID 11-2005-005, 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 16, 2005, and was completed on October 24, 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 \$414,590.49 is the total cost of said improvement, of which \$392,646.68 has been paid the Contractor and \$1,214.29 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$20,729.52 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 horizontal line at the end.

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

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PROJECT SUMMARY

Cownie Soccer Stadium Expansion

Activity ID 11-2005-005

On July 25, 2005, under Roll Call No. 05-1828, the City Council awarded the contract for the above improvements to Legacy Construction Group, in the amount of \$402,467.60 to install new bleachers at Cownie Soccer Complex.

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	9/6/2006 Deduct 'Remove & Replace Soils'. Place millings, pump concrete, repair storm sewer, geotech investigation, and add bond beams.	User	\$6,147.63
2	9/11/2006 Install handicap ramps, quick couplers, HMA patch, ramp, and flag pole.	User	\$6,489.34
3	Adjust contract items amounts to as-built quantities. Provide additional grading.	Engineering	(\$514.08)
Original Contract Amount			\$402,467.60
Total Change Orders			\$12,122.89
Percent of Change Orders to Original Contract			3.01%
Final Contract Amount			\$414,590.49

ESTIMATE OF CONSTRUCTION COMPLETED
FOR WORK DONE FROM 9/13/06 TO 10/12/06
PARTIAL PAYMENT NO. 9(FINAL)

ACTIVITY ID: 11-2005-005

DATE: 10/12/06

PROJECT: COWNIE SOCCER STADIUM EXPANSION
CONTRACTOR: LEGACY CONST. GROUP

PARTIAL PAYMENT NO. 9(FINAL)

LINE NO.	DESCRIPTION	UNIT	UNITS			TOTAL AMOUNT
			ESTIMATED	AUTHORIZED	CONSTRUCTED TO DATE	
1	BLEACHERS FIELD 9	JOB	1	1	1.000	\$129,690.00
2	EARTHWORK FIELD 9	JOB	1	1	1.000	\$14,850.00
3	FOOTING FOR WALL, FIELD 9	JOB	1	1	1.000	\$25,300.00
4	WALL, SPLIT-FACED BLOCK FIELD 9	JOB	1	1	1.000	\$56,694.00
5	FENCE, C.L., 6' PVC COATED, BLACK, REM. & REPL.	JOB	1	1	1.000	\$2,431.00
6	SCORE BOARD & FLAGS RELOCATION	JOB	1	1	1.000	\$6,600.00
7	ELECTRICAL	JOB	1	1	1.000	\$11,236.50
8	SOIL, REMOVE & REPLACE	CY	150	150	0.000	\$0.00
9	SIDEWALK, 5" PCC, NO STEEL	SY	830	830	815.500	\$26,805.49
10	SIDEWALK, 5" PCC WITH STEEL	SY	1100	1100	1,183.300	\$30,813.13
11	REMOVALS, MISC. CONCRETE	JOB	1	1	1.000	\$2,750.00
12	COLUMNS, SPLIT-FACED BLOCK	EA	4	4	4.000	\$948.00
13	FENCE GATE, 8', C.L. PVC COATED	EA	2	2	2.000	\$759.00
14	SOD, NURSERY IN PLACE	SQ	250	250	229.800	\$33.00
15	PROJECT SIGN - SMALL	EA	1	1	1.000	\$440.00
16	EARTHWORK FIELD 6	JOB	1	1	1.000	\$9,350.00
17	FOOTING FOR WALL, FIELD 6	EA	1	1	1.000	\$20,350.00
18	WALL, SPLIT-FACED BLOCK FIELD 6	JOB	1	1	1.000	\$46,690.00
CO1.01	ASPHALT MILLINGS	JOB	1	1	1.000	\$3,274.84
CO1.02	CONCRETE PUMPING	JOB	1	1	1.000	\$600.00
CO1.03	REPAIR STORM SEWER	JOB	1	1	1.000	\$1,667.55
CO1.04	GEOTECH INVESTIGATION	JOB	1	1	1.000	\$405.24
CO1.05	ADDITIONAL MASONRY BOND BEAMS	JOB	1	1	1.000	\$1,080.00
CO2.01	HANDICAP RAMPS	JOB	1	1	1.000	\$1,933.93
CO2.02	QUICK COUPLERS	JOB	1	1	1.000	\$839.26
CO2.03	HMA PATCH	JOB	1	1	1.000	\$3,135.00
CO2.04	FIELD 9 ALUMINUM RAMP	JOB	1	1	1.000	\$2,422.00
CO2.05	FLAG POLE	JOB	1	1	1.000	\$1,239.15
CO3.01	ADDITIONAL GRADING	JOB	1	1	1.000	\$1,100.00
CO 3	ADJUST CONTRACT ITEM AMOUNTS TO AS-BUILT QUANTITIES					

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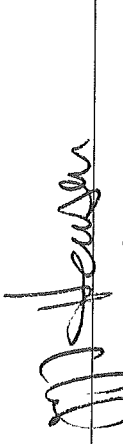
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**PROJECT: COWNIE SOCCER STADIUM EXPANSION
CONTRACTOR: LEGACY CONST. GROUP**

PARTIAL PAYMENT NO. 9(FINAL)

LINE NO.	DESCRIPTION	UNIT	UNITS		CONSTRUCTED TO DATE	UNIT PRICE	TOTAL AMOUNT
			ESTIMATED	AUTHORIZED			
	TOTAL CONTRACT AMOUNT PLUS CHANGE ORDERS		\$414,590.49				
	PARTIAL PAYMENT NO. 1		\$78,713.15				
	PARTIAL PAYMENT NO. 2		\$65,270.83				
	PARTIAL PAYMENT NO. 3		\$48,588.03				
	PARTIAL PAYMENT NO. 4		\$21,014.25				
	PARTIAL PAYMENT NO. 5		\$78,936.45				
	PARTIAL PAYMENT NO. 6		\$57,934.99				
	PARTIAL PAYMENT NO. 7		\$26,421.85				
	PARTIAL PAYMENT NO. 8		\$15,767.13				
	THIS PARTIAL PAYMENT		\$1,214.29				
	TOTAL PARTIAL PAYMENTS		\$393,860.97				
	BALANCE		\$20,729.52				
	Percent Complete	100%					
	TOTAL						\$414,590.49
	RETAINAGE						\$20,729.52
	TOTAL LESS RETAINAGE						\$393,860.97
	LESS PREVIOUS PAYMENT						\$392,646.68
	AMOUNT DUE						\$1,214.29

PARTIAL PAYMENT NO. 9(FINAL)

PREPARED BY: 

CHECKED BY: 