

DATE November 24, 2008

ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR 2007 BOX SEWER REHABILITATION PROGRAM, PROSHOT CONCRETE, 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 2007 Box Sewer Rehabilitation Program, 08-2007-003, in accordance with the contract approved between Proshot Concrete, Inc., Timothy McDougle, President, 4158 Musgrove Drive, Florence, AL 35630, under Roll Call No. 07-937, of May 21, 2007, 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 \$364,899.00 is the total cost, of which \$336,984.95 has been paid the Contractor, and \$9,669.10 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$18,244.95 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.

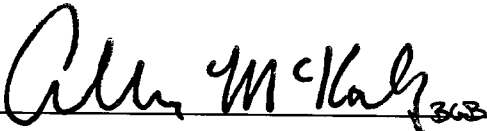
Moved by _____ to adopt.

FORM APPROVED:

FUNDS AVAILABLE



Kathleen Vanderpool
Deputy City Attorney



Allen McKinley
Des Moines Finance Director

Funding Source: 2008-2009 CIP, Page Storm-4, City-wide Storm Water Utility Projects, STE057, Various Funding, Being:

\$47,261.00 in Storm Water Utility Funds from STE057 for box culvert lining on E. Indianola Avenue, and \$317,638.00 in Sanitary Sewer Funds for box sanitary sewer lining on High Street from Page Sanitary-11, Lining Sanitary Trunk and Lateral Sewers, SAE049

Roll Call Number

Agenda Item Number

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Date November 24, 2008

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

MOTION CARRIED

APPROVED

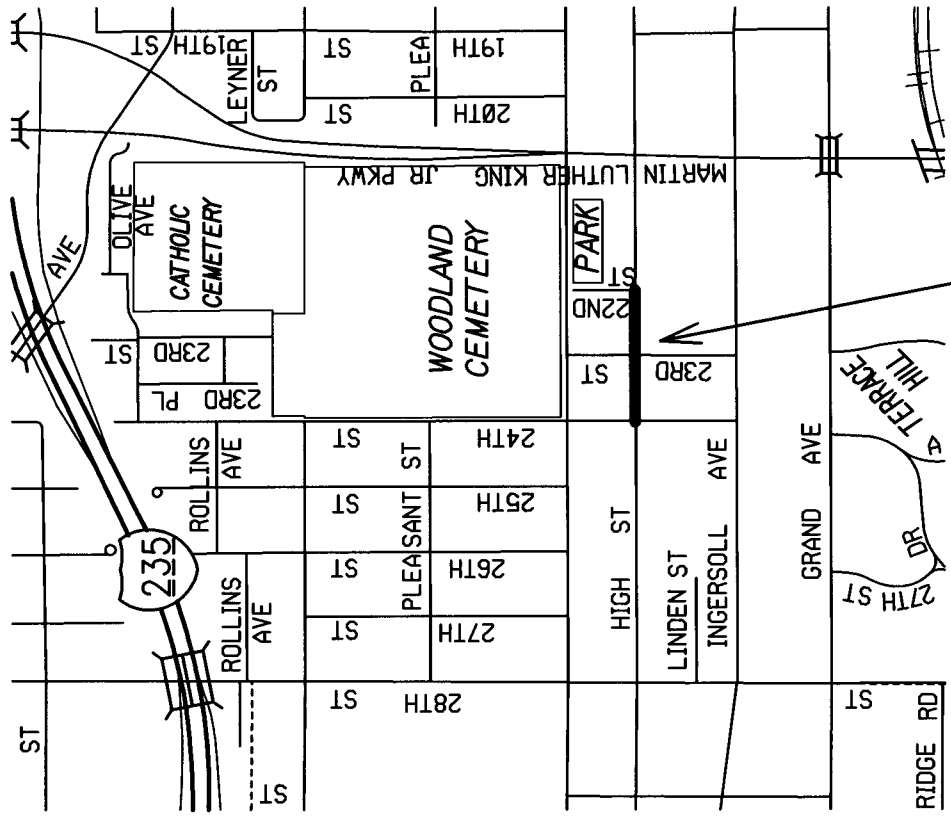
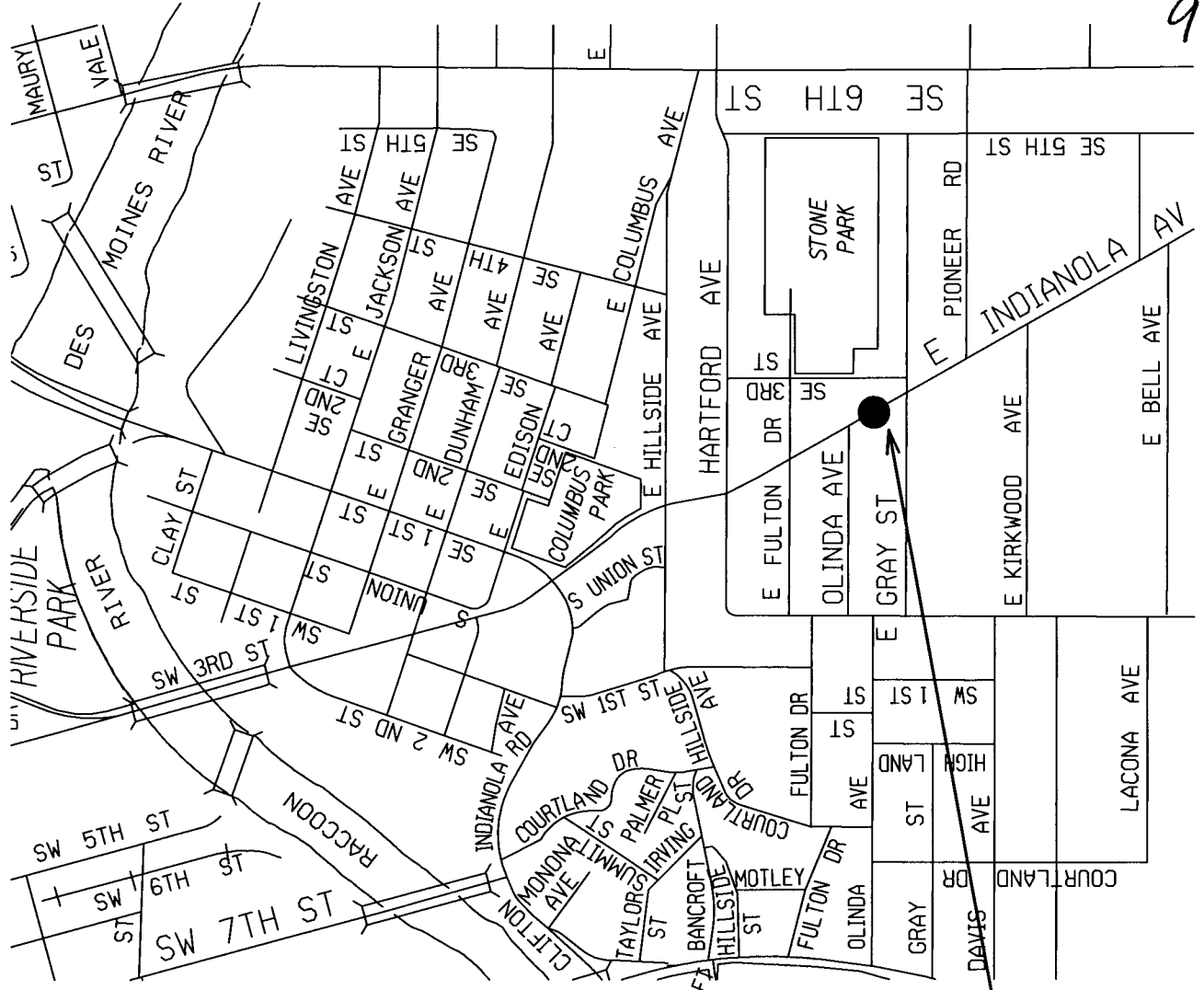
Mayor

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



**PROJECT
LOCATIONS**

PROJECT SUMMARY

2007 Box Sewer Rehabilitation Program

Activity ID 08-2007-003

The improvement includes lining with "Shotcrete" and restoration of 70 LF of 8'x10' box culvert on E. Indianola Avenue between Olinda Avenue and E. Gray Street as well as lining of 700 LF of 5' x 10' box sanitary sewer on High Street between 22nd and 24th Streets in Des Moines, Iowa; all in accordance with the contract documents including Plan File Nos. 472-070/072

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 | 5/18/2007 Waive certain insurance requirements @ no cost | Engineering | \$0.00 |
| 2 | 7/31/2007 Increase amount of steel and shotcrete thickness in roof. Deduct 40 LF of 5 x 10 box sewer. | User | \$16,860.00 |
| 3 | 3/13/2008 Seal joints in box sewer, plug pipe, inspect manhole at 22nd and High Streets. | User | \$9,100.00 |
| 4 | 9/2/2008 Shotcrete conflict structure at 8th and Pleasant streets. | Contractor | \$10,178.00 |
| 5 | 11/10/2008 Adjust contract item amounts to as-built quantities. | Engineering | (\$22,670.00) |
| Original Contract Amount | | | \$351,431.00 |
| Total Change Orders | | | \$13,468.00 |
| Percent of Change Orders to Original Contract | | | 3.83% |
| Final Contract Amount | | | \$364,899.00 |

November 24, 2008

CERTIFICATION OF COMPLETION

AGENDA HEADING:

Accepting completed construction and approving final payment for the 2007 Box Sewer Rehabilitation Program, Proshot Concrete, 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: \$364,899.00 As-Built Contract Cost

Funding Source: 2008-2009 CIP, Page Storm-4, City-wide Storm Water Utility Projects, STE057, Various Funding, Being: \$47,261.00 in Storm Water Utility Funds from STE057 for box culvert lining on E. Indianola Avenue, and \$317,638.00 in Sanitary Sewer Funds for box sanitary sewer lining on High Street from Page Sanitary-11, Lining Sanitary Trunk and Lateral Sewers, SAE049

CERTIFICATION OF COMPLETION:

On May 21, 2007, under Roll Call No. 07-937, the City Council awarded a contract to Proshot Concrete, Inc., Timothy McDougale, President, 4158 Musgrove Drive, Florence, AL 35630 for the construction of the following improvement:

2007 Box Sewer Rehabilitation Program, 08-2007-003

The improvement includes lining with "Shotcrete" and restoration of 70 LF of 8'x10' box culvert on E. Indianola Avenue between Olinda Avenue and E. Gray Street as well as lining of 700 LF of 5' x 10' box sanitary sewer on High Street between 22nd and 24th Streets in Des Moines, Iowa; all in accordance with the contract documents including Plan File Nos. 472-070/072

I hereby certify that the construction of said 2007 Box Sewer Rehabilitation Program, Activity ID 08-2007-003, 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 12, 2007, and was completed on November 7, 2008.



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 \$364,899.00 is the total cost of said improvement, of which \$336,984.95 has been paid the Contractor and \$9,669.10 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$18,244.95 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 fluid and cursive, with a small flourish at the end.

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

ESTIMATE OF CONSTRUCTION COMPLETED
FOR WORK DONE FROM 5/28/08 TO 10/7/08
PARTIAL PAYMENT NO. 6 (FINAL)

PROJECT: 2007 BOX SEWER REHABILITATION PROGRAM
CONTRACTOR: PROSHOT CONCRETE, INC..

PARTIAL PAYMENT NO. 6 (FINAL)

| LINE NO. | DESCRIPTION | UNIT | UNITS | | | CONSTRUCTED TO DATE | UNIT PRICE | TOTAL AMOUNT |
|----------|---|------|--------------|------------|--|---------------------|-------------|--------------|
| | | | ESTIMATED | AUTHORIZED | | | | |
| 1 | SHOTCRETE, 8 X 10 BOX, 70 LF | JOB | 1 | 1 | | 1.00 | \$44,641.00 | \$44,641.00 |
| 2 | SHOTCRETE, 5 X 10 BOX | LF | 700 | 700 | | 660.00 | \$354.00 | \$233,640.00 |
| 3 | GROUTING PORTS | EA | 40 | 40 | | 6.00 | \$50.00 | \$300.00 |
| 4 | CHEMICAL GROUT | GAL | 200 | 200 | | 100.00 | \$75.00 | \$7,500.00 |
| 5 | SEWER CLEANING | JOB | 1 | 1 | | 1.00 | \$18,000.00 | \$18,000.00 |
| 6 | PROJECT SIGN - SMALL | EA | 1 | 1 | | 1.00 | \$240.00 | \$240.00 |
| 7 | MOBILIZATION | JOB | 1 | 1 | | 1.00 | \$5,000.00 | \$5,000.00 |
| 8 | TRAFFIC CONTROL | JOB | 1,000 | 1,000 | | 1.00 | \$3,000.00 | \$3,000.00 |
| 9 | FILL VOIDS IN FLOOR | CF | 50,000 | 50,000 | | 30.40 | \$75.00 | \$2,280.00 |
| 10 | NEW ACCESS MANHOLE | EA | 3,000 | 3,000 | | 0.00 | \$4,000.00 | \$0.00 |
| CO 2.01 | STRUCTURAL UPGRADE OF ROOF | LF | 660,000 | 660,000 | | 660.00 | \$47.00 | \$31,020.00 |
| CO 3.01 | DEWATER SEWER & REPAIR JOINTS | LS | 1,000 | 1,000 | | 1.00 | \$6,600.00 | \$6,600.00 |
| CO 3.02 | DEWATER & INSPECT MANHOLE | LS | 1,000 | 1,000 | | 1.00 | \$2,500.00 | \$2,500.00 |
| CO 4.01 | SHOTCRETE CONFLICT STRUCTURE | LS | 1,000 | 1,000 | | 1.00 | \$10,178.00 | \$10,178.00 |
| CO 5 | ADJUST CONTRACT ITEM AMOUNTS TO AS-BUILT QUANTITIES | | | | | | | |
| | TOTAL CONTRACT AMOUNT PLUS CHANGE ORDERS | | \$364,899.00 | | | | | |
| | PARTIAL PAYMENT NO. 1 | | \$77,596.95 | | | | | |
| | PARTIAL PAYMENT NO. 2 | | \$104,880.00 | | | | | |
| | PARTIAL PAYMENT NO. 3 | | \$86,070.00 | | | | | |
| | PARTIAL PAYMENT NO. 4 | | \$56,430.00 | | | | | |
| | PARTIAL PAYMENT NO. 5 | | \$12,008.00 | | | | | |
| | THIS PARTIAL PAYMENT | | \$9,669.10 | | | | | |
| | TOTAL PARTIAL PAYMENTS | | \$346,654.05 | | | | | |
| | BALANCE | | \$18,244.95 | | | | | |
| | Percent Complete | 100% | | | | | | |
| | TOTAL | | | | | | | \$364,899.00 |
| | RETAINAGE | | | | | | | \$18,244.95 |
| | TOTAL LESS RETAINAGE | | | | | | | \$346,654.05 |
| | LESS PREVIOUS PAYMENT | | | | | | | \$336,984.95 |
| | AMOUNT DUE | | | | | | | \$9,669.10 |

PARTIAL PAYMENT NO. 6 (FINAL)

PREPARED BY:

CHECKED BY:

9A