

DATE December 18, 2006

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT  
AND ALSO APPROVING SUPPLEMENTAL CONTRACT IN THE AMOUNT OF \$7,951.68  
FOR BLANK PARK ZOO SERVICE BUILDING REMODELING, BROCON SERVICES LLC**

WHEREAS, pursuant to §573.27, Code of Iowa, Brocon Services LLC is requesting that the City execute the attached supplemental contract for the uncompleted work on the project to which its surety has consented in the attached extension of the contract bond for time required to complete the supplemental contract.

NOW THEREFORE, 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 and that Brocon Services LLC has satisfactorily completed more than 95% of the contract work on the Blank Park Zoo Service Building Remodeling, 11-2006-010, in accordance with the contract approved between Brocon Services LLC, Chris Brault, Managing Partner, 6220 NW Beaver Drive, Suite 4, Johnston, IA 50131, under Roll Call No. 06-1047, of May 22, 2006, 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 \$269,312.80 is the partial final construction cost (more than 95% of the contract work completed) of which \$210,696.46 has been paid the Contractor, and \$45,150.70 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$13,465.64 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 supplemental contract with consent of surety executed by Brocon Services LLC, dated December 18, 2006, for the construction of the Blank Park Zoo Service Building Remodeling, 11-2006-010, in the amount of \$7,951.68, the same to be performed in accordance with the plans and specifications which have been heretofore approved by the City Council, be and the same are hereby approved.

BE IT FURTHER RESOLVED: That the Mayor be and is hereby authorized and directed to sign said contract on behalf of the City of Des Moines, and the City Clerk be and is hereby authorized and directed to attest to same.

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.

★ Roll Call Number

Agenda Item Number

12

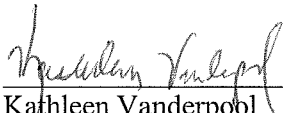
DATE December 18, 2006


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: 2006-2007 CIP, Page Park-2, Blank Park Zoo Improvements, PKS013, G.O. Bonds



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

# PROJECT SUMMARY

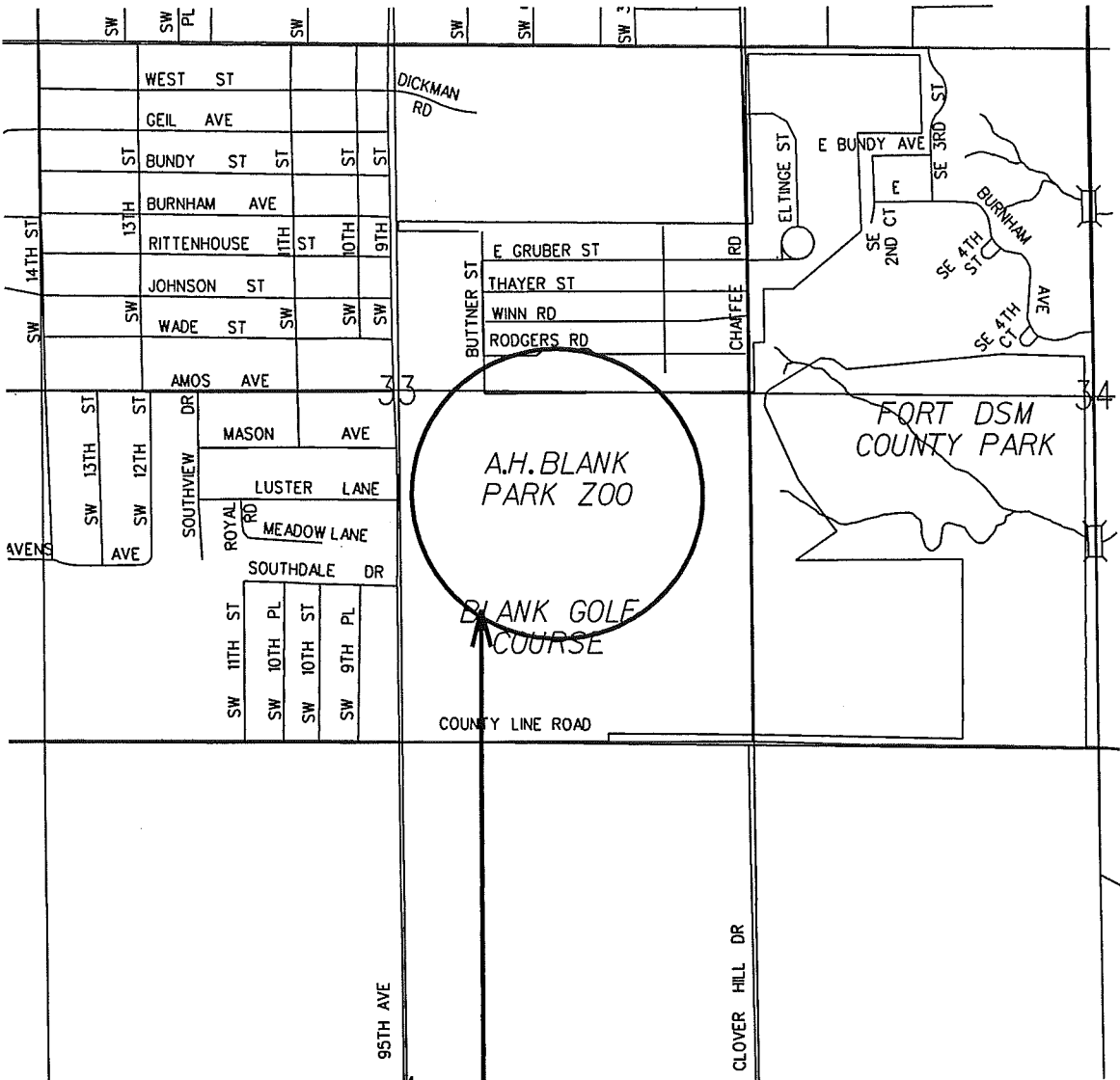
## Blank Park Zoo Service Bldg. Remodeling

### Activity ID 11-2006-010

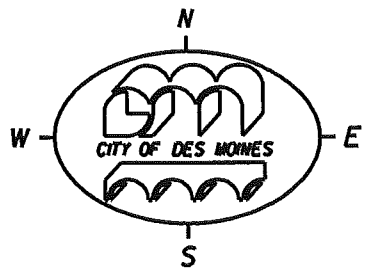
On May 22, 2006, under Roll Call 06-1047, the City Council awarded the contract for the above improvement to Brocon Services LLC, in the amount of \$258,680.00, to construct miscellaneous interior and exterior improvements to improve the functionality of the facility.

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	8/3/2006 Miscellaneous exterior changes requested by user	User	\$8,721.00
2	11/9/2006 Miscellaneous changes related to functional operation of restrooms, doors and hardware.	User	\$1,911.80
3	Add handrails as required by the Building Department. Miscellaneous changes related to electrical, insulation and door hardware.	Regulator	\$7,951.68
<b>Original Contract Amount</b>			\$258,680.00
<b>Total Change Orders</b>			\$18,584.48
<b>Percent of Change Orders to Original Contract</b>			7.18%
<b>Final Contract Amount</b>			\$277,264.48



**PROPERTY  
LOCATION**



**BLANK PARK ZOO  
SERVICE BUILDING REMODELING  
ACTIVITY I.D. 11-2006-010**

\$file-datas

December 18, 2006

**CERTIFICATION OF COMPLETION**

**AGENDA HEADING:**

Accepting completed construction and approving final payment and also approving supplemental contract in the amount of \$7,951.68 for the Blank Park Zoo Service Building Remodeling, Brocon Services LLC.

**SYNOPSIS:**

Approve the Jurisdictional Engineer's Certification of Completion, accept construction of said improvement, authorize final payment to the contractor, and authorize the Mayor to sign a supplemental contract for the remaining uncomplete work in the amount of \$7,951.68.

**FISCAL IMPACT:**

Amount: \$269,312.80 As-Built Contract Cost

Funding Source: 2006-2007 CIP, Page Park-2, Blank Park Zoo Improvements, PKS013, G. O. Bonds

**CERTIFICATION OF COMPLETION:**

On May 22, 2006, under Roll Call No. 06-1047, the City Council awarded a contract to Brocon Services LLC, Chris Brault, Managing Partner, 6220 NW Beaver Drive, Suite 4, Johnston, IA 50131 for the construction of the following improvement:

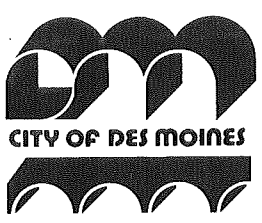
Blank Park Zoo Service Building Remodeling, 11-2006-010

The improvement includes miscellaneous interior and exterior construction including gypsum board walls, doors, frames, electrical, HVAC, masonry, roofing, siding and other related work; in accordance with the contract documents, including Plan File Nos. 456-38/59 at Blank Park Zoo, 7401 SW 9th Street, Des Moines, Iowa

I hereby certify that the construction of said Blank Park Zoo Service Building Remodeling, Activity ID 11-2006-010, has been completed in excess of 95% of the contract work in substantial compliance with the terms of said contract, and I hereby recommend that the work be accepted. The work commenced on June 14, 2006, and was completed on December 13, 2006.

As provided in Section 573.27 of the Iowa Code, Brocon Services LLC, is requesting that the City execute a supplemental contract in the amount of \$7,951.68 for the uncompleted work shown in the attached supplemental contract.

The Contractor's surety has consented to the extension of the contract. I hereby recommend that the supplemental contract be approved. I further certify that the amount of completed work is \$269,312.80 and does not include the \$7,951.68 supplemental contract.



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 \$269,312.80 is the partial final construction cost (more than 95% of the contract work completed) of said improvement, of which \$210,696.46 has been paid the Contractor and \$45,150.70 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$13,465.64 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 with a small flourish at the end.

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

# APPLICATION AND CERTIFICATE FOR PAYMENT

Date : December 12, 2006

**OWNER**  
 City of Des Moines Iowa  
 400 East First Street  
 Des Moines, IA 50309

**CONTRACTOR:**  
 Brocon Services  
 6220 NW Beaver Drive Ste 4  
 Johnston IA 50131

**PROJECT:**  
 Blank Park Zoo Service Building Remodel

**APPLICATION NO:** 0003  **OWNER**  
**PERIOD TO:** 11/30/2006  **ARCHITECT**  
**PROJECT NO:** BLANKSERV  **CONTRACTOR**

**Distribution to:**

**PERIOD:** November 30, 2006

**SUPERVISOR:**


**CONTRACT FOR:**

**ARCHITECT:**

## CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below. In connection with the detailed continuation sheet attached.

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 to 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:**  **DATE:** 12/12/06

**BY:** 258,680.00 ✓

**NAME/TITLE:** Chris Brault Managing Partner 18,584.48 ✓

Subscribed and sworn to before me this 12th DAY Dec 2006

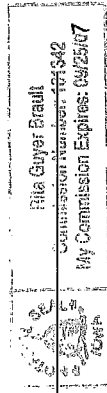
**NOTARY PUBLIC:** Rita Guyer Brault

13,465.78 ✓

269,312.80 ✓

255,847.91 ✓

210,696.46 ✓



## ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on site observations and the date 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.

**TOTAL AMOUNT DUE** 45,150.68

**REMAINING INCOMPLETED WORK INCLUDED IN THE SUPPLEMENTAL CONTRACT**

\$ 7,951.68

Forty-five thousand one hundred fifty and 68/100 Dollars

**ARCHITECT:** 

**By:**  **Date:** 12-12-06

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.

# Brocon Services Progress Billing

Item Number	Change Order	Item	Contract Value	% RT	% Complete	Progress To Date	RT To Date	Previous Draw	Previous RT	Prog To Date Inc SM	Stored Material	Current Draw	Current RT	Net Draw	Outstanding
<b>BLANKSERV Blank Park Zoo Service Building Remodel</b>															
000001	00000	P and P Bond and Building Permit	5,255.00	5.00	100.00	5,255.00	262.75	5,255.00	262.75	5,255.00	0.00	0.00	0.00	0.00	0.00
000002	00000	General Conditions/Fee	48,700.00	5.00	100.00	48,700.00	2,435.00	38,980.00	1,948.00	48,700.00	0.00	9,740.00	487.00	9,253.00	0.00
000003	00000	Demolition	9,750.00	5.00	100.00	9,750.00	487.51	9,262.50	463.13	9,750.00	0.00	487.50	24.38	463.12	0.00
000004	00000	Chain Link Fencing	7,929.00	5.00	100.00	7,929.00	396.45	7,929.00	396.45	7,929.00	0.00	0.00	0.00	0.00	0.00
000005	00000	Concrete-sidewalks and floor patch	6,630.00	5.00	100.00	6,630.00	331.51	6,630.00	331.51	6,630.00	0.00	0.00	0.00	0.00	0.00
000006	00000	Masonry out and Patch	6,800.00	5.00	100.00	6,800.00	340.00	6,800.00	340.00	6,800.00	0.00	0.00	0.00	0.00	0.00
000007	00000	Metal fabrications-gates	9,375.00	5.00	100.00	9,375.00	468.75	9,375.00	468.75	9,375.00	0.00	0.00	0.00	0.00	0.00
000008	00000	Rough/Finish Carpentry and Siding	14,775.00	5.00	100.00	14,775.00	738.75	14,775.00	738.75	14,775.00	0.00	0.00	0.00	0.00	0.00
000009	00000	Roofing and Sheetmetal	24,790.00	5.00	100.00	24,790.00	1,239.50	24,790.00	1,239.50	24,790.00	0.00	0.00	0.00	0.00	0.00
000010	00000	Skylights and Acrylic Panels	1,750.00	5.00	100.00	1,750.00	87.51	1,662.50	83.13	1,750.00	0.00	87.50	4.38	83.12	0.00
000011	00000	Joint Sealers	1,600.00	5.00	100.00	1,600.00	80.00	800.00	40.00	1,600.00	0.00	800.00	40.00	760.00	0.00
000012	00000	HM and Fiberglass door and hardware	30,604.00	5.00	100.00	30,604.00	1,530.21	27,895.30	1,394.77	30,604.00	0.00	2,708.70	135.44	2,573.26	0.00
000013	00000	Access doors and windows	2,600.00	5.00	100.00	2,600.00	130.00	2,600.00	130.00	2,600.00	0.00	0.00	0.00	0.00	0.00
000014	00000	Studs/gypboard and insulation	16,445.00	5.00	100.00	16,445.00	822.26	11,511.50	575.58	16,445.00	0.00	4,933.50	246.68	4,686.82	0.00
000015	00000	Ceramic tile patch and vinyl base	1,950.00	5.00	100.00	1,950.00	97.50	1,560.00	78.00	1,950.00	0.00	390.00	19.50	370.50	0.00
000016	00000	Painting	4,315.00	5.00	100.00	4,315.00	215.76	1,294.50	64.73	4,315.00	0.00	3,020.50	151.03	2,869.47	0.00
000017	00000	Toilet Partitions and accessories	1,860.00	5.00	100.00	1,860.00	93.00	1,860.00	93.00	1,860.00	0.00	0.00	0.00	0.00	0.00
000018	00000	Mechanical Subcontract	49,962.00	5.00	100.00	49,962.00	2,498.11	29,912.00	1,495.61	49,962.00	0.00	20,050.00	1,002.50	19,047.50	0.00
000019	00000	Electrical Subcontract	13,590.00	5.00	100.00	13,590.00	679.51	10,192.50	509.63	13,590.00	0.00	3,397.50	169.88	3,227.62	0.00
Sub Total for Items No 000001 to 000019			258,680.00	0.00	0.00	258,680.00	12,934.08	213,064.80	10,653.29	258,680.00	0.00	45,615.20	2,280.79	43,334.41	0.00
000021	00001	Add siding and fascia to south elevation	5,552.00	5.00	100.00	5,552.00	277.60	5,552.00	277.60	5,552.00	0.00	0.00	0.00	0.00	0.00
000024	00004	Concrete stoops/ramps/sidealks.	1,174.00	5.00	100.00	1,174.00	58.70	1,174.00	58.70	1,174.00	0.00	0.00	0.00	0.00	0.00
000025	00005	Roof revisions-add hip roofs framing	1,995.00	5.00	100.00	1,995.00	99.75	1,995.00	99.75	1,995.00	0.00	0.00	0.00	0.00	0.00
000026	00002	Add shift door/Change hardware to stainless	1,937.90	5.00	100.00	1,937.90	96.90	0.00	0.00	1,937.90	0.00	1,937.90	96.90	1,841.00	0.00
000027	00003	Restroom Modifications	(1,673.00)	5.00	100.00	(1,673.00)	(83.65)	0.00	0.00	(1,673.00)	0.00	(1,673.00)	(83.65)	(1,589.35)	0.00
000028	00006	Door and Hardware changes	1,646.90	5.00	100.00	1,646.90	82.35	0.00	0.00	1,646.90	0.00	1,646.90	82.35	1,564.55	0.00
000029	00007	Miscellaneous closeout extras	2,420.18	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,420.18
000030	00008	Add railings at north and necropsy exits	5,531.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,531.50
<b>Grand Total :</b>			<b>277,264.48</b>			<b>269,312.80</b>	<b>13,485.73</b>	<b>221,785.80</b>	<b>11,089.34</b>	<b>269,312.80</b>	<b>0.00</b>	<b>47,527.00</b>	<b>2,376.39</b>	<b>45,150.61</b>	<b>7,951.68</b>

**Final Total : 45,150.61**