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DATE November 8, 2010

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT  
FOR M.L. KING JR. PARKWAY LEVEE RESTORATION, ELDER CORPORATION**

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 M.L. King Jr. Parkway Levee Restoration, 04-2009-003, in accordance with the contract approved between Elder Corporation, Jared R. Elder II, President, 5088 E. University Avenue, Des Moines, IA 50327, under Roll Call No. 08-2087, of November 24, 2008, 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 \$200,415.32 is the total cost, of which \$150,918.36 has been paid the Contractor, and \$39,476.19 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$10,020.77 is to be paid at the end of thirty days, with funds retained for unresolved claims on file in accordance with Iowa Code Chapter 573.

BE IT FURTHER RESOLVED: That the City Manager be and is hereby authorized and directed to certify the Pollution Prevention Plan Inspection Summary and the NPDES Stormwater General Permit Notice of Discontinuation for the above referenced project on behalf of the City of Des Moines and submit said documents to the Iowa Department of Natural Resources.

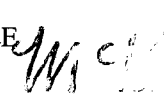
BE IT FURTHER RESOLVED: That the Des Moines Finance Director be and is hereby authorized to release said retainage if suit is not filed as above provided.

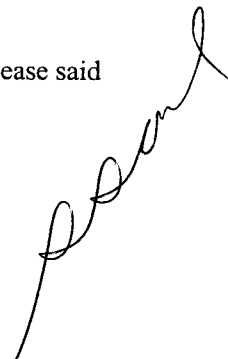
Moved by \_\_\_\_\_ to adopt.

FORM APPROVED:

  
Kathleen Vanderpool  
Deputy City Attorney

FUNDS AVAILABLE

  
Allen McKinley  
Des Moines Finance Director



Funding Source: 2010-2011 CIP, Page Storm Sewer-10, Flood Protection System Improvements, FLD008, Being: \$192,932.82 in Storm Water Utility Funds with \$7,482.50 to be funded with FEMA funds.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GREISS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

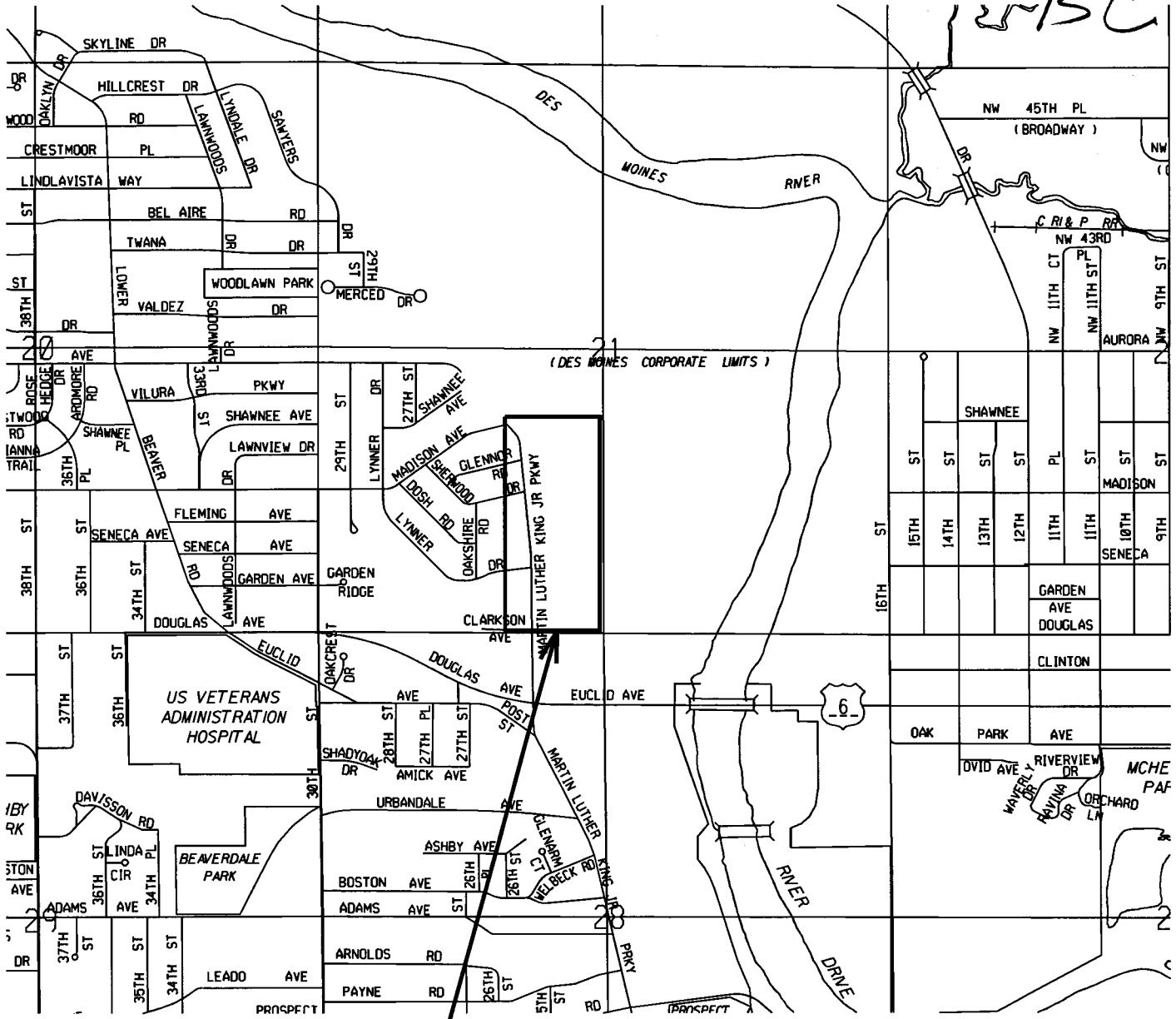
**CERTIFICATE**

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.

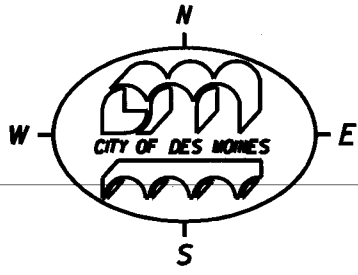
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk

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**PROJECT  
LOCATION**



**M.L. KING JR. PARKWAY  
LEVEE RESTORATION  
ACTIVITY I.D. 04-2009-003**

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# PROJECT SUMMARY

## M.L. King Jr. Parkway Levee Restoration Activity ID 04-2009-003

On November 24, 2008 under Roll Call No. 08-2086 the City Council awarded the contract for the above improvement to Elder Corporation in the amount of \$175,246.25 for restoration of levee including removal of temporary clay, removal of trail and subbase, reconstruction of the levee top, and restoration & landscaping, and other incidental items.

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	9/3/2009 Provide additional clay material.	Engineering	\$1,946.50
2	11/23/2009 Seeding rate increase for levee seeding.	Contractor	\$1,056.00
3	11/23/2009 Raise sanitary sewer manholes on wet side of levee at Sta. 10+50 & 16+00.	Engineering	\$5,253.88
4	10/11/2010 Adjustment of quantities to as-built measurements, liquidated damages, and sand blanket at Birdland Levee at repaired location from 2008.	Engineering	\$16,912.69
<b>Original Contract Amount</b>			\$175,246.25
<b>Total Change Orders</b>			\$25,169.07
<b>Percent of Change Orders to Original Contract</b>			14.36%
<b>Final Contract Amount</b>			\$200,415.32

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November 8, 2010



**CERTIFICATION OF COMPLETION**

**AGENDA HEADING:**

Accepting completed construction and approving final payment for the M.L. King Jr. Parkway Levee Restoration, Elder Corporation.

**SYNOPSIS:**

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

**FISCAL IMPACT:**

Amount: \$200,415.32 As-Built Contract Cost

Funding Source: 2010-2011 CIP, Page Storm Sewer-10, Flood Protection System Improvements, FLD008, Being: \$192,932.82 in Storm Water Utility Funds with \$7,482.50 to be funded with FEMA funds.

**CERTIFICATION OF COMPLETION:**

On November 24, 2008, under Roll Call No. 08-2087, the City Council awarded a contract to Elder Corporation, Jared R. Elder II, President, 5088 E. University Avenue, Des Moines, IA 50327 for the construction of the following improvement:

M.L. King Jr. Parkway Levee Restoration, 04-2009-003

The improvement includes restoration of the levee following the 2008 Floods with work to include excavation of temporary clay material, removal of bike trail, and construction of a gatewell, culvert, select fill, levee reconstruction and restoration, and other incidental items; all in accordance with the contract documents including Plan File Nos. 492-075/116 along the east side of M.L. King Jr. Parkway between Madison Avenue and Euclid Avenue.

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I hereby certify that the construction of said M.L. King Jr. Parkway Levee Restoration, Activity ID 04-2009-003, 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 April 21, 2009, and was completed on November 2, 2010.

I further certify that \$200,415.32 is the total cost of said improvement, of which \$150,918.36 has been paid the Contractor and \$39,476.19 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$10,020.77 is to be paid at the end of thirty days, with funds retained for unresolved claims on file in accordance with Iowa Code chapter 573. 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 mark at the end.

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



**ESTIMATE OF CONSTRUCTION COMPLETED**  
FOR WORK DONE FROM 01/22/10 TO 10/13/10  
**FINAL PAYMENT (PARTIAL PAYMENT NO. 5)**

**PROJECT: M.L. KING JR. PARKWAY LEVEE RESTORATION**  
**CONTRACTOR: ELDER CORPORATION**

**Activity ID: 04-2009-003**  
**Date: 10/13/10**

LINE NO.	DESCRIPTION	UNIT	UNITS				TOTAL AMOUNT
			ESTIMATED	AUTHORIZED	CONSTRUCTED TO DATE	UNIT PRICE	
1	Clearing & Grubbing	AC	0.750	0.750	0.750	\$1,300.00	\$975.00
2	Excavation, Class 10	CY	1,825.000	1,825.000	1,825.000	\$4.10	\$7,482.50
3	Removal of HMA Trail and Subbase	CY	1,040.000	1,040.000	1,040.000	\$5.85	\$6,084.00
4	Select Borrow	CY	2,900.000	3,070.000	3,070.000	\$11.45	\$35,151.50
5	Removal of Fence	LF	200.000	200.000	200.000	\$7.95	\$1,590.00
6	Removal of 24" CMP Storm Sewer	LF	80.000	80.000	80.000	\$17.25	\$1,380.00
7	Surfacing, Driveway, Class A Crushed Stone	TON	250.000	245.070	245.070	\$20.00	\$4,901.40
8	Gatewell Structure	LS	1.000	1.000	1.000	\$53,000.00	\$53,000.00
9	Storm Sewer, 36" Dia., RCP Class V	LF	66.000	66.000	66.000	\$129.50	\$8,547.00
10	Storm Sewer, 18" Dia., RCP Class III	LF	6.000	6.000	6.000	\$126.00	\$756.00
11	FES, 36" Dia., RCP	EACH	2.000	2.000	2.000	\$1,700.00	\$3,400.00
12	FES, 18" Dia., RCP	EACH	2.000	2.000	2.000	\$1,100.00	\$2,200.00
13	Scourstop, 16' X 16'	SF	304.000	304.000	304.000	\$15.50	\$4,712.00
14	Topsoil, Furnish and Place	CY	1,775.000	1,775.000	1,775.000	\$10.85	\$19,258.75
15	Seeding	AC	4.000	4.000	4.000	\$690.00	\$2,760.00
16	Mulch	AC	8.000	4.000	4.000	\$370.00	\$1,480.00
17	Sod	SQ	7.000	3.040	3.040	\$63.00	\$191.52
18	Rip Rap, Class D	TON	70.000	64.010	64.010	\$37.50	\$2,400.38
19	Construction Survey	LS	1.000	1.000	1.000	\$4,800.00	\$4,800.00
20	Erosion Control	LS	1.000	1.000	1.000	\$2,000.00	\$2,000.00
21	Silt Fence Installation	LF	3,100.000	3,082.000	3,082.000	\$1.65	\$5,085.30
22	Silt Fence Removal	LF	3,100.000	3,082.000	3,082.000	\$0.05	\$154.10
23	Project Sign, Small	EACH	1.000	0.000	0.000	\$1,400.00	\$0.00
24	Mobilization	LS	1.000	1.000	1.000	\$5,400.00	\$5,400.00
2.01	Seeding Rate Increase	AC		4.000	4.000	\$264.00	\$1,056.00
3.01	Raise Sanitary Sewer Manhole	EACH		2.000	2.000	\$2,626.94	\$5,253.88
4.01	Liquidated Damages	DAY		12.000	12.000	(\$300.00)	(\$3,600.00)
4.02	Sand Blanket @ Birdland Levee	LS		1.000	1.000	\$23,996.00	\$23,996.00

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LINE NO.	DESCRIPTION	UNIT	UNITS		CONSTRUCTED TO DATE	UNIT PRICE	TOTAL AMOUNT
			ESTIMATED	AUTHORIZED			
	TOTAL CONTRACT AMOUNT PLUS CHANGE ORDERS		\$200,415.32				
	PARTIAL PAYMENT #1		\$63,898.23				
	PARTIAL PAYMENT #2		\$20,608.14				
	PARTIAL PAYMENT #3		\$58,137.25				
	PARTIAL PAYMENT #4		\$8,274.74				
	THIS PARTIAL PAYMENT		\$39,476.19				
	TOTAL PARTIAL PAYMENTS		\$190,394.55				
	BALANCE		\$10,020.77				
	TOTAL						\$200,415.32
	RETAINAGE						\$10,020.77
	TOTAL LESS RETAINAGE						\$190,394.55
	LESS PREVIOUS PAYMENT						\$150,918.36
	AMOUNT DUE						\$39,476.19

FINAL PAYMENT (PARTIAL PAYMENT NO. 5)

PREPARED BY: Jack L. Edwards  
 CHECKED BY: Yang H. Hwang