



Roll Call Number

Agenda Item Number

10F

Date September 13, 2021

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT
FOR RUAN CONNECTOR, CRAMER AND ASSOCIATES, INC.**

WHEREAS, the City of Des Moines, Board of Water Works Trustees of the City of Des Moines and the Des Moines Water Works Park Foundation entered into a 28E Agreement for the Construction and Funding of the Fleur Drive Trail Underpass Project (28E Agreement) provides for private funding to be paid by the Foundation to the City of Des Moines for outstanding project costs for constructing the Ruan Connector Project, in the amount of \$1,680,212.29; and

WHEREAS, on March 19, 2019, by Roll Call No. 19-0346, the City Council approved a contract with Cramer and Associates, Inc. for the construction of the Ruan Connector; and

WHEREAS, that said 28E Agreement also requires the Foundation to pay the City of Des Moines three annual maintenance fund payments of \$100,000 each, which first payment is due prior to City Council acceptance of the project improvements; and

WHEREAS, that in accordance with the 28E Agreement, the City of Des Moines has provided the Foundation with 30 days' notice that the above referenced payments totaling \$1,780,212.29 are now due and payable to the City of Des Moines; and

WHEREAS, discussions are underway to address the outstanding payments and potentially propose an amendment to the 28E Agreement that will be presented for future City Council consideration.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the attached report of the Des Moines City Engineer, showing the cost of the construction of the Ruan Connector, 042018013, in accordance with the contract approved between Cramer and Associates, Inc., Robert Cramer, President/CAO, 3100 S.W. Brookside Drive, Grimes, IA 50111, under Roll Call No. 19-0346, of March 11, 2019, and the City of Des Moines, and recommending the acceptance thereof, be and the same is hereby approved, and accepted.



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BE IT FURTHER RESOLVED: That \$2,630,613.55 is the total cost, of which \$2,551,695.14 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 \$78,918.41 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 Director of Finance 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:

s/Kathleen Vanderpool

Kathleen Vanderpool
Deputy City Attorney

Nickolas J. Schaul
Director of Finance

Funding Source: 2020-2021 CIP, Page Miscellaneous - 16, Ruan Connector, MS019, Being: \$2,630,613.55 in Private funds of which \$1,680,212.29 for construction and \$100,000 for the first of three maintenance payments are past due.

SLN pw

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

CERTIFICATE

I, P. Kay Cmelik, 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.

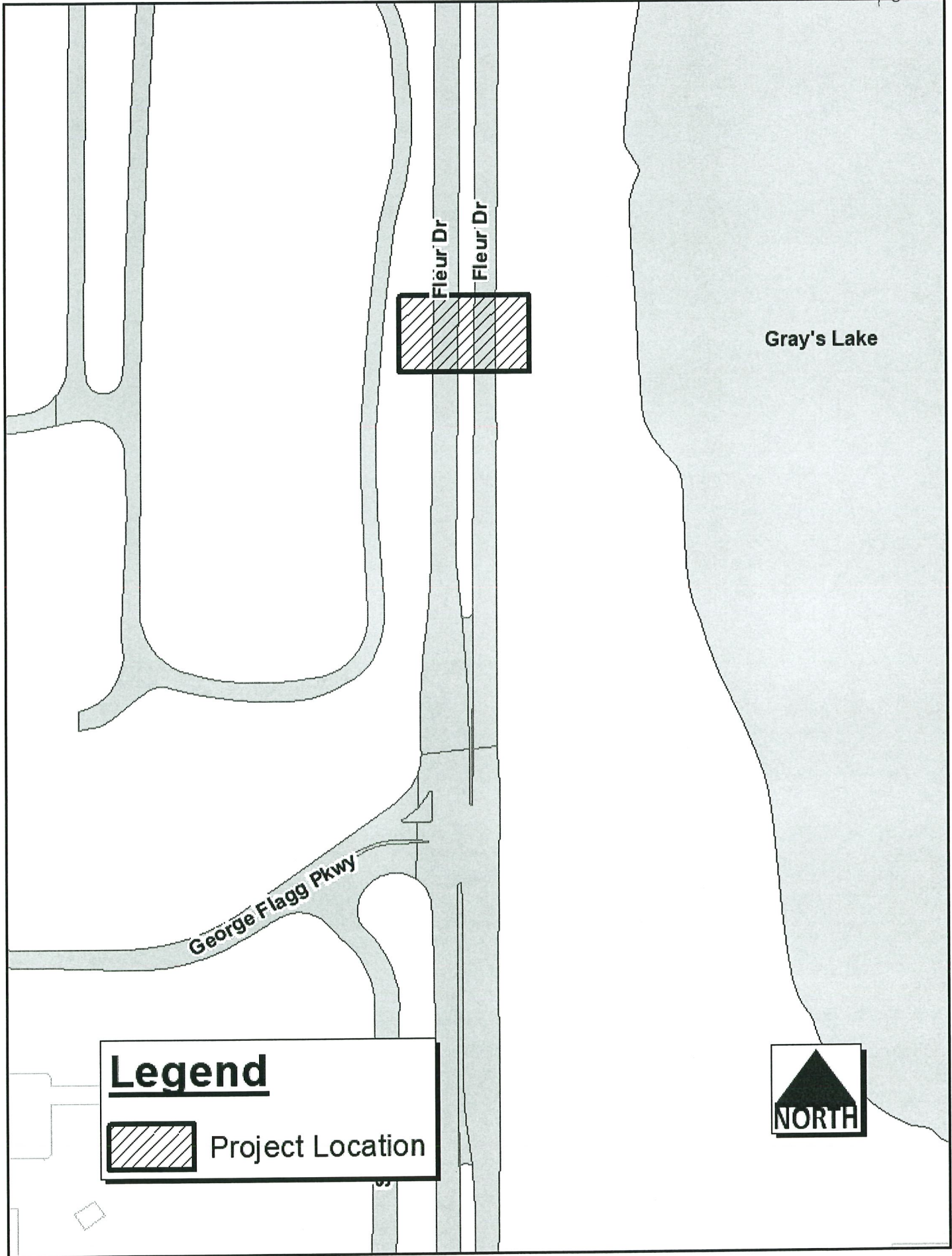
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

Mayor

City Clerk



Legend
 Project Location



PROJECT SUMMARY

Ruan Connector

Activity ID 042018013

On March 11, 2019, under Roll Call No. 19-0346, the Council awarded the contract for the above improvements to Cramer and Associates, Inc. , in the amount of \$2,545,825.70. Tabulated below is a history of project change orders.

<u>Change Order No.</u>	<u>Initiated By</u>	<u>Description</u>	<u>Amount</u>
1	City	8/19/2019 Addition 125 LF of Temporary Barrier Rail (TBR), removal of additional abandoned utility vault. Removal of found abandoned utility bank. Work to set up and run additional dewatering system.	\$90,941.62
2	Engineering	12/20/2019 Cold weather concrete and winter traffic control for temporary barrier rail	\$6,073.37
3	Engineering	4/28/2020 Additonal fiber optic work	\$8,187.10
4	Consultant	7/28/2020 New ped service near Mid-American pole	\$1,952.50
5	Engineering	2/16/2021 Modify contract quantities to match as-built quantities.	\$(22,366.74)
Original Contract Amount			\$2,545,825.70
Total Change Orders			\$84,787.85
Percent of Change Orders to Original Contract			3.33%
Total Contract Amount			\$2,630,613.55

September 13, 2021

CERTIFICATION OF COMPLETION



AGENDA HEADING:

Accepting completed construction and approving final payment for the Ruan Connector, Cramer and Associates, Inc.

SYNOPSIS:

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

FISCAL IMPACT:

Amount: \$2,630,613.55 As-Built Contract Cost

Funding Source: 2020-2021 CIP, Page Miscellaneous - 16, Ruan Connector, MS019, Being: \$2,630,613.55 in Private funds of which \$1,680,212.29 for construction and \$100,000 for the first of three maintenance payments are past due.

CERTIFICATION OF COMPLETION:

On March 11, 2019, under Roll Call No. 19-0346, the City Council awarded a contract to Cramer and Associates, Inc., Robert Cramer, President/CAO, 3100 S.W. Brookside Drive, Grimes, IA 50111 for the construction of the following improvement:

Ruan Connector, 042018013

The improvement includes Portland Cement Concrete (PCC) paving, Hot Mix Asphalt (HMA) pavement, precast concrete arch structure, Excavation Class 20, dewatering, storm sewer, modified subbase, lighting, landscaping, sodding, fencing, and incidental items; all in accordance with the contract documents, including Plan File Nos. 607-001/042, located under Fleur Drive north of George Flagg Parkway, Des Moines, Iowa

I hereby certify that the construction of said Ruan Connector, Activity ID 042018013, 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 8, 2019 and was completed on July 20, 2021.

I further certify that \$2,630,613.55 is the total cost of said improvement, of which \$2,551,695.14 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 \$78,918.41 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.

I further certify that the 28E Agreement between the City of Des Moines and the Board of Water Works Trustees of the City of Des Moines and the Des Moines Water Works Park Foundation (Foundation) for Construction and Funding of the Fleur Drive Trail Underpass Project (28E Agreement) provides for private funding to be paid by the Foundation to the City of Des Moines for outstanding project costs, in the amount of \$1,680,212.29.

I further certify that said 28E Agreement also requires the Foundation to pay the City of Des Moines three annual maintenance fund payments of \$100,000 each, which first payment is due prior to City Council acceptance of the project improvements.

I further certify that in accordance with the 28E Agreement, the City of Des Moines has provided the Foundation with 30 days' notice that the above referenced payments totaling \$1,780,212.29 are now due and payable to the City of Des Moines.



Steven L. Naber, P.E.
Des Moines City Engineer

**ENGINEERING DEPARTMENT
CITY OF DES MOINES, IOWA**



ESTIMATE OF CONSTRUCTION COMPLETED

FINAL PAYMENT

**PROJECT: RUAN CONNECTOR
CONTRACTOR: CRAMER AND ASSOCIATES, INC.**

**Activity ID: 04-2018-013
Date: 02/16/2021**

LINE NO.	DESCRIPTION	UNIT	UNITS			UNIT PRICE	TOTAL AMOUNT
			ESTIMATED	AUTHORIZED	CONSTRUCTED TO DATE		
1.01	MODIFIED SUBBASE	CY	150.000	150.000	150.000	\$83.00	\$12,450.00
1.02	SHOULDER CONSTRUCTION, EARTH	STA	4.800	4.800	4.800	\$2,700.00	\$12,960.00
1.03	STANDARD OR SLIP FORM PORTLAND CEMENT CONCRETE PAVEMENT, CLASS C, CLASS 3 DURABILITY, 10 IN.	SY	693.000	704.100	704.100	\$150.00	\$105,615.00
1.04	FLOODED BACKFILL	CY	1,760.000	1,760.000	1,760.000	\$55.00	\$96,800.00
1.05	EXCAVATION, CLASS 20	CY	3,870.000	3,870.000	3,870.000	\$31.00	\$119,970.00
1.06	FOUNDATION TREATMENT MATERIAL	TON	1,260.000	1,081.680	1,081.680	\$38.00	\$41,103.84
1.07	STRUCTURAL CONCRETE (MISCELLANEOUS)	CY	39.600	36.900	36.900	\$2,300.00	\$84,870.00
1.08	REINFORCING STEEL, EPOXY COATED	LB	2,555.000	2,331.000	2,331.000	\$2.00	\$4,662.00
1.09	TEMPORARY SHEET PILES AND SHORING	LS	1.000	1.000	1.000	\$200,000.00	\$200,000.00
1.10	REMOVAL OF PAVEMENT	SY	693.000	708.400	708.400	\$29.00	\$20,543.60
1.11	SAFETY CLOSURE	EACH	4.000	4.000	4.000	\$250.00	\$1,000.00
1.12	CONSTRUCTION SURVEY	LS	1.000	1.000	1.000	\$9,000.00	\$9,000.00
1.13	PAINTED PAVEMENT MARKING, WATERBORNE OR SOLVENT-BASED	STA	0.600	1.500	1.500	\$1,500.00	\$2,250.00
1.14	MOBILIZATION	LS	1.000	1.000	1.000	\$150,000.00	\$150,000.00
1.15	PRECAST CONCRETE ARCH, 19'-6" x 10'-6"	LF	95.000	95.000	95.000	\$2,250.00	\$213,750.00
1.16	PRECAST CONCRETE ARCH FOOTING	LF	193.330	193.330	193.330	\$400.00	\$77,332.00
1.17	PRECAST WINGWALL FOOTING	LF	134.540	134.540	134.540	\$730.00	\$98,214.20
1.18	DEWATERING	LS	1.000	1.000	1.000	\$10,000.00	\$10,000.00
1.19	PRECAST WINGWALL	SF	1,435.600	1,435.600	1,435.600	\$115.00	\$165,094.00
1.20	BENTONITE WATERPROOFING MEMBRANE	SF	1,900.000	1,900.000	1,900.000	\$6.00	\$11,400.00
1.21	BITUMINOUS WATERPROOFING MEMBRANE	SF	5,800.000	5,800.000	5,800.000	\$4.00	\$23,200.00
2.01	EXCAVATION, CLASS 10, ROADWAY AND BORROW	CY	201.000	201.000	201.000	\$36.00	\$7,236.00
2.02	TOPSOIL, STRIP, SALVAGE AND SPREAD	CY	260.000	260.000	260.000	\$35.00	\$9,100.00
2.03	REMOVAL OF LIGHT POLES	EACH	1.000	1.000	1.000	\$825.00	\$825.00
2.04	STRUCTURAL CONCRETE COATING	SY	385.000	385.000	385.000	\$63.00	\$24,255.00
2.05	ORNAMENTAL METAL RAILING	LF	100.000	100.000	100.000	\$465.00	\$46,500.00
2.06	APRONS, CONCRETE, 24 IN. DIA.	EACH	1.000	1.000	1.000	\$3,600.00	\$3,600.00

10F

LINE NO.	DESCRIPTION	UNIT	UNITS			UNIT PRICE	TOTAL AMOUNT
			ESTIMATED	AUTHORIZED	CONSTRUCTED TO DATE		
2.07	MANHOLE, SANITARY SEWER, SW-301, 48 IN.	EACH	3.000	3.000	3.000	\$5,800.00	\$17,400.00
2.08	CONNECTION TO EXISTING INTAKE	EACH	1.000	1.000	1.000	\$3,800.00	\$3,800.00
2.09	STORM SEWER GRAVITY MAIN, TRENCHED, POLYVINYL CHLORIDE PIPE (PVC), 8IN	LF	21.000	22.000	22.000	\$168.00	\$3,696.00
2.10	STORM SEWER GRAVITY MAIN, TRENCHED, REINFORCED CONCRETE PIPE (RCP), 3000D (CLASS IV), 12 IN.	LF	106.200	96.000	96.000	\$166.00	\$15,936.00
2.11	STORM SEWER GRAVITY MAIN, TRENCHED, REINFORCED CONCRETE PIPE (RCP), 3000D (CLASS IV), 18 IN.	LF	20.000	14.000	14.000	\$192.00	\$2,688.00
2.12	STORM SEWER GRAVITY MAIN, TRENCHED, REINFORCED CONCRETE PIPE (RCP), 3000D (CLASS IV), 24 IN.	LF	122.400	108.800	108.800	\$147.00	\$15,993.60
2.13	STORM SEWER GRAVITY MAIN WITH CASING PIPE, TRENCHED, REINFORCED CONCRETE PIPE (RCP), 3000D (CLASS IV), 12 IN.	LF	10.000	10.000	10.000	\$279.00	\$2,790.00
2.14	STORM SEWER GRAVITY MAIN WITH CASING PIPE, TRENCHED, REINFORCED CONCRETE PIPE (RCP), 3000D (CLASS IV), 24 IN.	LF	10.000	10.000	10.000	\$410.00	\$4,100.00
2.15	REMOVE STORM SEWER PIPE LESS THAN OR EQUAL TO 36 IN.	LF	96.000	0.000	0.000	\$60.00	\$0.00
2.16	STORM SEWER ABANDONMENT, FILL AND PLUG, LESS THAN OR EQUAL TO 36 IN. DIA.	LF	99.000	0.000	0.000	\$68.00	\$0.00
2.17	REVTMENT, CLASS E	TON	10.000	22.680	22.680	\$114.00	\$2,585.52
2.18	RECREATIONAL TRAIL, HOT MIX ASPHALT, 6 IN	SY	340.000	332.000	332.000	\$81.00	\$26,892.00
2.19	RECREATIONAL TRAIL, PORTLAND CEMENT CONCRETE, 6 IN.	SY	220.000	221.600	221.600	\$135.00	\$29,916.00
2.20	REMOVAL OF SIDEWALK	SY	222.000	214.500	214.500	\$22.00	\$4,719.00
2.21	CURB AND GUTTER, P.C. CONCRETE, 2.5 FT.	LF	105.000	102.000	102.000	\$48.00	\$4,896.00
2.22	PASSAGEWAY CURB	LF	190.000	190.000	190.000	\$700.00	\$133,000.00
2.23	TRENCH DRAIN	LF	18.000	18.000	18.000	\$275.00	\$4,950.00
2.24	LIMESTONE EDGER	LF	166.000	166.000	166.000	\$15.00	\$2,490.00
2.25	REMOVAL OF WATER MAIN	LF	96.000	41.000	41.000	\$91.00	\$3,731.00
2.26	TREE PROTECTION FENCE, 48 IN	LF	375.000	368.000	368.000	\$10.00	\$3,680.00
2.27	MASONRY VENEER	LS	1.000	1.000	1.000	\$235,000.00	\$235,000.00
2.28	PASSAGEWAY LIGHTING	LS	1.000	1.000	1.000	\$53,000.00	\$53,000.00
2.29	PASSAGEWAY ELECTRICAL	LS	1.000	1.000	1.000	\$18,000.00	\$18,000.00
2.30	STORMWATER POLLUTION PREVENTION	LS	1.000	1.000	1.000	\$5,000.00	\$5,000.00
2.31	SPECIAL COMPACTION OF SUBGRADE FOR RECREATIONAL TRAIL	SY	560.000	560.000	560.000	\$12.00	\$6,720.00
2.32	GRAFFITI SEALER	SY	385.000	385.000	385.000	\$31.00	\$11,935.00
2.33	MULCHING, BONDED FIBER MATRIX	ACRE	0.250	0.750	0.750	\$4,800.00	\$3,600.00
2.34	SEEDING AND FERTILIZING (URBAN)	ACRE	0.250	0.250	0.250	\$2,100.00	\$525.00
2.35	SODDING	SQ	62.000	62.000	62.000	\$50.00	\$3,100.00
2.36	WATERING FOR SOD, SPECIAL DITCH CONTROL, OR SLOPE PROTECTION	MGAL	37.200	37.200	37.200	\$100.00	\$3,720.00
2.37	FLOWERS, AS PER PLAN	LS	1.000	1.000	1.000	\$5,600.00	\$5,600.00

LINE NO.	DESCRIPTION	UNIT	UNITS			UNIT PRICE	TOTAL AMOUNT
			ESTIMATED	AUTHORIZED	CONSTRUCTED TO DATE		
2.38	WATERING FOR PLANTS	MGAL	27.000	27.000	27.000	\$100.00	\$2,700.00
3.01	HANDHOLE AND JUNCTION BOX	EA	2.000	2.000	2.000	\$2,000.00	\$4,000.00
3.02	TRAFFIC CONTROL	LS	1.000	1.000	1.000	\$32,000.00	\$32,000.00
3.03	PORTABLE DYNAMIC MESSAGE SIGN (PDMS)	CDAY	510.000	247.000	247.000	\$30.00	\$7,410.00
3.04	COLORED CONCRETE CORNER PIER	EA	4.000	4.000	4.000	\$1,500.00	\$6,000.00
3.05	COLORED CONCRETE IN-LINE PIER	EA	6.000	6.000	6.000	\$1,500.00	\$9,000.00
3.06	REMOVAL OF CENTER MEDIAN	LF	540.000	540.500	540.500	\$27.00	\$14,593.50
3.07	RESTORATION OF MEDIAN, PLANTER	LF	145.000	145.000	145.000	\$450.00	\$65,250.00
3.08	RESTORATION OF MEDIAN, SOD	LF	290.000	301.500	301.500	\$235.00	\$70,852.50
3.09	3 INCH HDPE CONDUIT, BORED	LF	550.000	650.000	650.000	\$15.00	\$9,750.00
3.10	INSTALL 12 STRAND FIBER	LF	1,750.000	1,750.000	1,750.000	\$3.50	\$6,125.00
3.11	INSTALL 36 STRAND FIBER	LF	2,770.000	2,770.000	2,770.000	\$3.15	\$8,725.50
3.12	FENCE, TEMPORARY, CHAIN LINK, 72IN HEIGHT	LF	470.000	358.000	358.000	\$7.00	\$2,506.00
3.13	REMOVAL OF FENCE, TEMPORARY, CHAIN LINK, 72IN HEIGHT	LF	470.000	358.000	358.000	\$5.00	\$1,790.00
3.14	PEDESTRIAN TRAIL SIGNAGE	LS	1.000	1.000	1.000	\$2,500.00	\$2,500.00
3.15	TEMPORARY PAVEMENT, HMA, RECREATIONAL TRAIL	SY	370.000	278.900	278.900	\$70.00	\$19,523.00
3.16	REMOVAL OF TEMPORARY PAVEMENT, HMA, RECREATIONAL TRAIL	SY	370.000	278.900	278.900	\$20.00	\$5,578.00
3.17	TEMPORARY PAVEMENT, 4" HMA	TON	120.000	157.000	157.000	\$450.00	\$70,650.00
1.01	Additional 125 LF of Temporary Barrier Rail	LS	1.000	1.000	1.000	\$1,540.00	\$1,540.00
1.02	Removal of additional utility vault 5'x8'x7' and duct bank 2'x3'	LS	1.000	1.000	1.000	\$3,465.00	\$3,465.00
1.03	Temp 480V power for dewatering work	LS	1.000	1.000	1.000	\$11,936.62	\$11,936.62
1.04	Fixed costs of additional dewatering, including mobilization, set up, removal, and first two months of operation.	LS	1.000	1.000	1.000	\$70,000.00	\$70,000.00
1.05	Monthly operation costs for dewatering beyond initial 2 months.	MTH	1.000	0.000	0.000	\$4,000.00	\$0.00
2.01	Fleur SB PCC Pavement Winter Charges	LS	1.000	1.000	1.000	\$3,708.37	\$3,708.37
2.02	Winter Traffic Barrier Railing	LS	1.000	1.000	1.000	\$2,365.00	\$2,365.00
3.01	Install 12 Strand Fiber	LF	1,000.000	1,000.000	1,000.000	\$3.85	\$3,850.00
3.02	Install 36 Strand Fiber	LF	730.000	730.000	730.000	\$3.47	\$2,533.10
3.03	Remove & Replace Cable	HR	20.000	20.000	20.000	\$90.20	\$1,804.00
4.01	New Ped Service near Mid-American Pole	LS	0.000	1.000	1.000	\$1,952.50	\$1,952.50
5.01	Additional Gray's Lake Trail Resurfacing	LS	0.000	1.000	1.000	\$7,311.70	\$7,311.70
TOTAL CONTRACT AMOUNT PLUS CHANGE ORDERS			\$2,630,613.55				
PARTIAL PAYMENT #01			\$94,260.23				
PARTIAL PAYMENT #02			\$30,819.81				
PARTIAL PAYMENT #03			\$448,088.63				
PARTIAL PAYMENT #04			\$324,025.41				
PARTIAL PAYMENT #05			\$361,096.80				

LINE NO.	DESCRIPTION	UNIT	UNITS			UNIT PRICE	TOTAL AMOUNT
			ESTIMATED	AUTHORIZED	CONSTRUCTED TO DATE		
	PARTIAL PAYMENT #06		\$575,496.15				
	PARTIAL PAYMENT #07		\$198,733.75				
	PARTIAL PAYMENT #08		\$164,449.53				
	PARTIAL PAYMENT #09		\$114,802.90				
	PARTIAL PAYMENT #10		\$39,782.12				
	PARTIAL PAYMENT #11		\$181,116.46				
	PARTIAL PAYMENT #12		\$19,023.35				
	THIS PARTIAL PAYMENT		\$0.00				
	TOTAL PARTIAL PAYMENTS		\$2,551,695.14				
	BALANCE		\$78,918.41				
			100.0%				

TOTAL	\$2,630,613.55
RETAINAGE	\$78,918.41
TOTAL LESS RETAINAGE	\$2,551,695.14
LESS PREVIOUS PAYMENT	\$2,551,695.14
AMOUNT DUE	\$0.00

PREPARED BY: Brad Bushman

CHECKED BY: D. King

FINAL PAYMENT