



Roll Call Number

21-1401

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 Boesen 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

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and 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.

J. M. Frankhu Cowrie Mayor

P. Kay Cmelik City Clerk