

DATE January 11, 2010

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT
FOR 2009 EXPANDED STREET RESURFACING PROGRAM - CONTRACT 3, OMG MIDWEST, INC.
D/B/A DES MOINES ASPHALT & PAVING**

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 2009 Expanded Street Resurfacing Program - Contract 3, 06-2009-021, in accordance with the contract approved between OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving, James Gauger, President, 5550 NE 22nd Street, P.O. Box 3365, Des Moines, IA 50316-0365, under Roll Call No. 09-1599, of August 24, 2009, 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 \$129,765.19 is the total cost, of which \$113,301.93 has been paid the Contractor, and \$9,975.00 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$6,488.26 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.

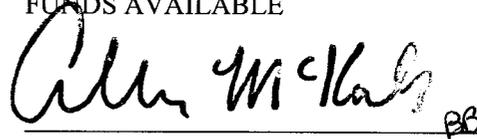
BE IT FURTHER RESOLVED: That the Engineering Department be and is hereby authorized and directed to notify all persons and firms with outstanding Chapter 573 claims against said project, that the project has been given final acceptance as completed by this City Council, that they have 60 days from such 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: 2009-2010, Page Street-42, Special City-wide Street Improvements, STR217, Being: Gaming Monies from the Agreement with Polk County and The Racing Association of Central Iowa

★ Roll Call Number

Agenda Item Number

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DATE January 11, 2010

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED				APPROVED

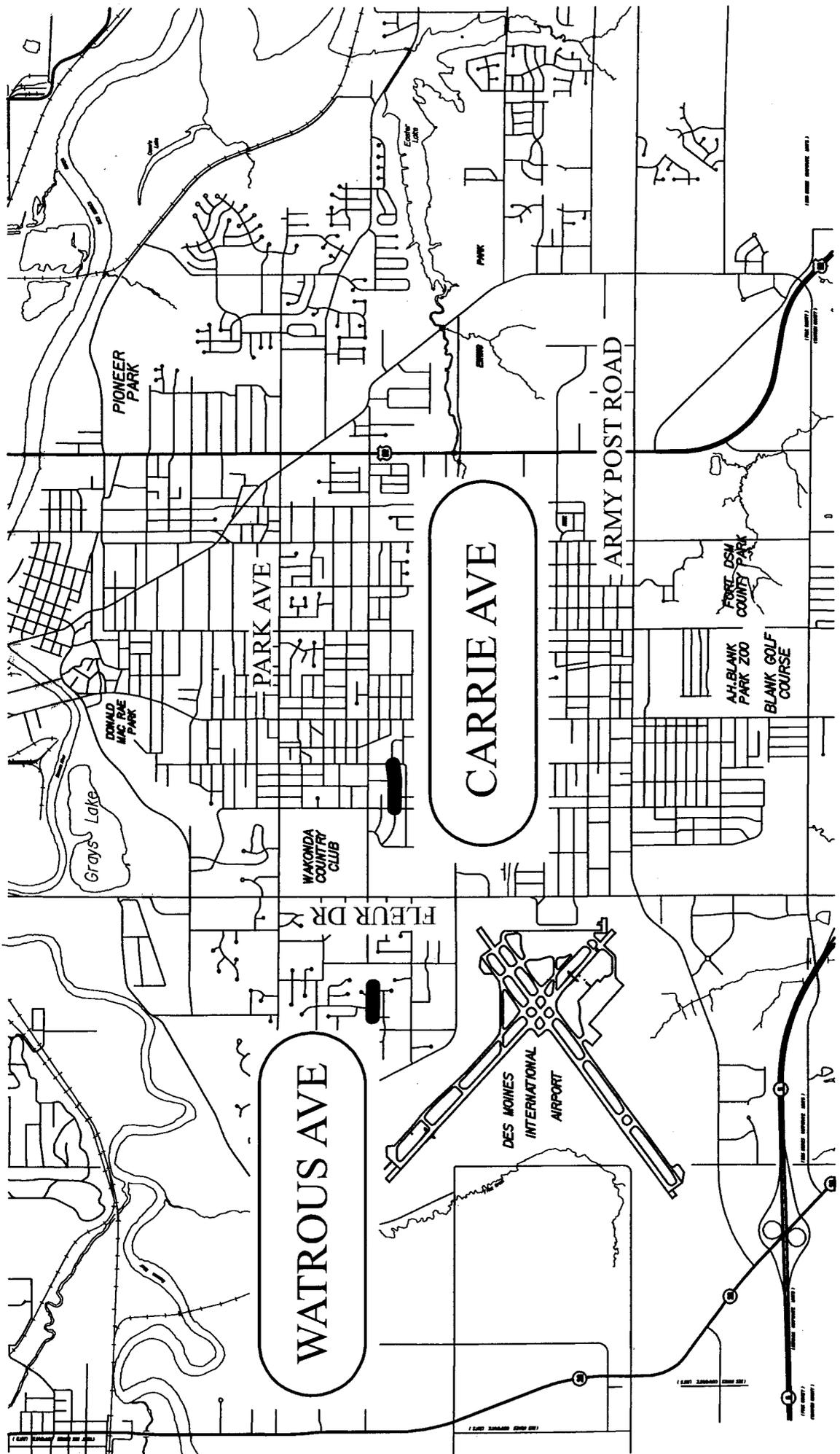
CERTIFICATE

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



2009 EXPANDED RESURFACING PROGRAM - CONTRACT 3
PROJECT LOCATIONS

ACT ID 06-2009-021

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PROJECT SUMMARY

2009 Expanded St. Resurfacing - Cont. 3

Activity ID 06-2009-021

On August 24, 2009, under Roll Call No. 09-1599, the City Council awarded the contract for the above improvements to Des Moines Asphalt & Paving, in the amount of \$126,198.89 to place new asphalt surfaces on various city streets.

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	Adjust contract item amounts to as-built quantities.	Engineering	\$3,566.30
Original Contract Amount			\$126,198.89 ✓
Total Change Orders			\$3,566.30 ✓
Percent of Change Orders to Original Contract			2.83%
Final Contract Amount			\$129,765.19 ✓

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January 11, 2010

CERTIFICATION OF COMPLETION



AGENDA HEADING:

Accepting completed construction and approving final payment for the 2009 Expanded Street Resurfacing Program - Contract 3, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving.

SYNOPSIS:

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

FISCAL IMPACT:

Amount: \$129,765.19 As-Built Contract Cost

Funding Source: 2009-2010, Page Street-42, Special City-wide Street Improvements, STR217, Being: Gaming Monies from the Agreement with Polk County and The Racing Association of Central Iowa

CERTIFICATION OF COMPLETION:

On August 24, 2009, under Roll Call No. 09-1599, the City Council awarded a contract to OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving, James Gauger, President, 5550 NE 22nd Street, P.O. Box 3365, Des Moines, IA 50316-0365 for the construction of the following improvement:

2009 Expanded Street Resurfacing Program - Contract 3, 06-2009-021

The improvement includes scarification of existing asphalt streets, furnish and place Warm Mix Asphalt (WMA) and other incidental items in accordance with the contract documents, including Plan File Nos. 506-145/149 at the following locations in Des Moines, Iowa:

- Carrie Avenue from S.W. 12th Street to S.W. 14th Street
- Watrous Avenue from Dead End East of S.W. 28th Street to S.W. 30th Street

I hereby certify that the construction of said 2009 Expanded Street Resurfacing Program - Contract 3, Activity ID 06-2009-021, 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 August 31, 2009, and was completed on November 13, 2009.

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I further certify that \$129,765.19 is the total cost of said improvement, of which \$113,301.93 has been paid the Contractor and \$9,975.00 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$6,488.26 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.



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

ESTIMATE OF CONSTRUCTION COMPLETED
FOR WORK DONE FROM 9/25/09 TO 12/14/09
PARTIAL PAYMENT NO. 2 (FINAL)

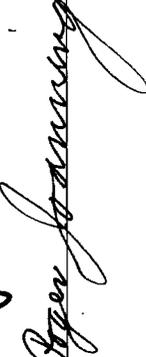
PROJECT: 2009 EXPANDED STREET RESURFACING PROG. - CONT. 3
CONTRACTOR: DES MOINES ASPHALT & PAVING

PARTIAL PAYMENT NO. 2 (FINAL)

LINE NO.	DESCRIPTION	UNIT	UNITS			CONSTRUCTED TO DATE	UNIT PRICE	TOTAL AMOUNT
			ESTIMATED	AUTHORIZED	TO DATE			
1	WMA(WARM MIX), IMESAL,SURF., 1/2" FRIC. L-4	TON	1,000	969.070	969.070	\$90.00	\$87,216.30	
2	MOBILIZATION	JOB	1	1.000	1.000	\$3,000.00	\$3,000.00	
3	MILL PCC BUTT JOINTS	JOB	1	1.000	1.000	\$6,200.00	\$6,200.00	
4	MANHOLE ADJUSTING RING	EA	10	3.000	3.000	\$180.00	\$540.00	
5	BASE REPAIR	SY	30	0.000	0.000	\$120.00	\$0.00	
6	TRAFFIC CONTROL	JOB	1	1.000	1.000	\$2,322.89	\$2,322.89	
7	PROJECT SIGN - SMALL	EA	4	4.000	4.000	\$110.00	\$440.00	
8	CLEAN & PREPARATION OF BASE	MILE	0.44	0.440	0.440	\$4,650.00	\$2,046.00	
9	REMOVE & REPLACE M-A INTAKE	EA	1	8.000	8.000	\$3,500.00	\$28,000.00	
10	REMOVE & REPLACE M-F INTAKE	EA	1	0.000	0.000	\$6,820.00	\$0.00	
11	NEW MANHOLE LID	EA	2	0.000	0.000	\$160.00	\$0.00	
12	INTAKE RISERS	EA	6	0.000	0.000	\$200.00	\$0.00	
13	ADJUST INTAKE CURB OPENING	EA	3	0.000	0.000	\$1,650.00	\$0.00	
CO 1	ADJUST CONTRACT ITEM AMOUNTS TO AS-BUILT QUANTITIES							
	TOTAL CONTRACT AMOUNT PLUS CHANGE ORDERS		\$129,765.19					
	PARTIAL PAYMENT NO. 1		\$113,301.93					
	THIS PARTIAL PAYMENT		\$9,975.00					
	TOTAL PARTIAL PAYMENTS		\$123,276.93					
	BALANCE		\$6,488.26					
	Percent Complete	100%						
	TOTAL						\$129,765.19	
	RETAINAGE						\$6,488.26	
	TOTAL LESS RETAINAGE						\$123,276.93	
	LESS PREVIOUS PAYMENT						\$113,301.93	
	AMOUNT DUE						\$9,975.00	

PARTIAL PAYMENT NO. 2 (FINAL)

PREPARED BY: 

CHECKED BY: 

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