

DATE January 22, 2007

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT  
FOR PROSPECT PARK PLAYGROUND IMPROVEMENTS, LEGACY CONSTRUCTION  
ASSOCIATES, INC.**

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 Prospect Park Playground Improvements, 11-2007-005, in accordance with the contract approved between Legacy Construction Associates, Inc., Randall D. Trabing, President, 903 S Buxton, Indianola, IA 50125, under Roll Call No. 06-2037, of October 9, 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 \$88,340.96 is the total cost, of which \$78,258.62 has been paid the Contractor, and \$5,665.29 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$4,417.05 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 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:




Kathleen Vanderpool  
Deputy City Attorney

FUNDS AVAILABLE



Allen McKinley  
Des Moines Finance Director

 Funding Source: 2006-2007 CIP, Page Parks-11, Neighborhood Park Improvements, PKS137, G. O. Bonds

★ **Roll Call Number**

**Agenda Item Number**

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**Date** January 22, 2007

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED		APPROVED		

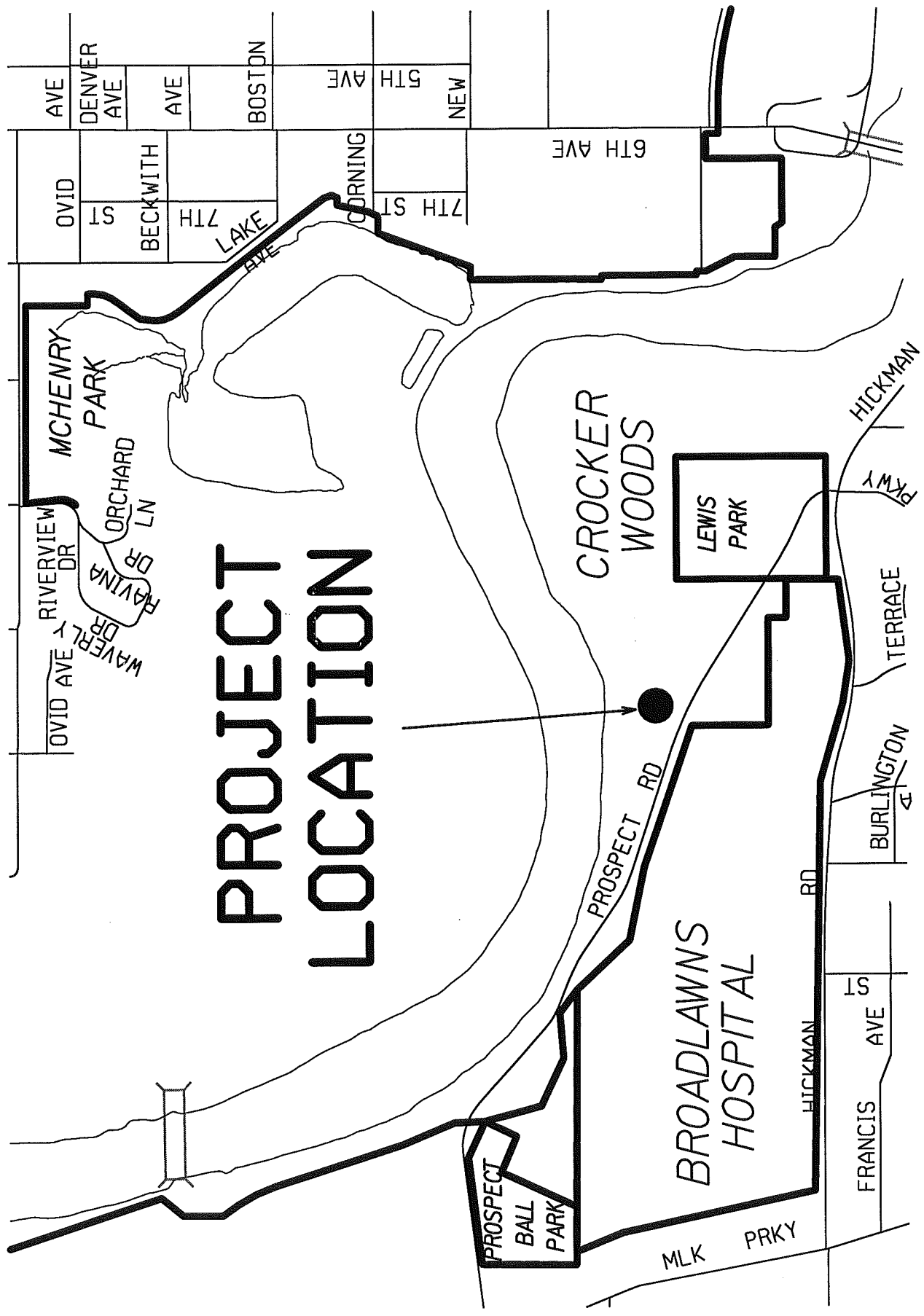
\_\_\_\_\_  
Mayor

### **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



# PROJECT LOCATION

## PROSPECT PARK PLAYGROUND IMPROVEMENTS

ACTIVITY ID 11-2007-005

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# PROJECT SUMMARY

## Prospect Park Playground Improvements

**Activity ID 11-2007-005**

On October 9, 2006, under Roll Call No. 06-2037, the City Council awarded the contract for the above improvements to Legacy Construction Associates, Inc., in the amount of \$88,920.00 to install new playground equipment at Prospect Park.

Tabulated below is a history of project change orders.

<b><u>Change Order No.</u></b>	<b><u>Description</u></b>	<b><u>Initiated By</u></b>	<b><u>Amount</u></b>
1	Raise modular equipment. Provide topsoil. Adjust contract item amounts to as-built quantities.	Engineering	(\$579.04)
<b>Original Contract Amount</b>			\$88,920.00
<b>Total Change Orders</b>			(\$579.04)
<b>Percent of Change Orders to Original Contract</b>			-0.65%
<b>Final Contract Amount</b>			\$88,340.96

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January 22, 2007

## **CERTIFICATION OF COMPLETION**

### **AGENDA HEADING:**

Accepting completed construction and approving final payment for the Prospect Park Playground Improvements, Legacy Construction Associates, Inc..

### **SYNOPSIS:**

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

### **FISCAL IMPACT:**

Amount: \$88,340.96 As-Built Contract Cost

Funding Source: 2006-2007 CIP, Page Parks-11, Neighborhood Park Improvements, PKS137, G. O. Bonds

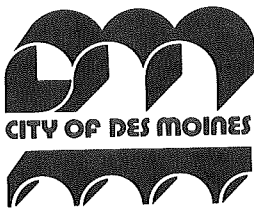
### **CERTIFICATION OF COMPLETION:**

On October 9, 2006, under Roll Call No. 06-2037, the City Council awarded a contract to Legacy Construction Associates, Inc., Randall D. Trabing, President, 903 S Buxton, Indianola, IA 50125 for the construction of the following improvement:

Prospect Park Playground Improvements, 11-2007-005

The improvement includes the installation of modular play equipment, curb, sidewalk, benches, and restoration; all in accordance with the contract documents, including Plan File Nos. 465-001/004 at Prospect Park, Hickman and Prospect Roads, Des Moines, Iowa.

I hereby certify that the construction of said Prospect Park Playground Improvements, Activity ID 11-2007-005, 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 October 23, 2006, and was completed on January 17, 2007.



ENGINEERING DEPARTMENT  
CITY HALL  
400 EAST FIRST STREET  
DES MOINES, IOWA 50309-1891  
(515) 283-4920  
FAX (515) 283-4112

ALL-AMERICA CITY 1949, 1976, 1981

I further certify that \$88,340.96 is the total cost of said improvement, of which \$78,258.62 has been paid the Contractor and \$5,665.29 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$4,417.05 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, appearing to read "Jeb E. Brewer", is written over a rectangular stamp area.

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

**ESTIMATE OF CONSTRUCTION COMPLETED**  
FOR WORK DONE FROM 11/22/06 TO 12/28/06  
**PARTIAL PAYMENT NO. 3 (FINAL)**

ACTIVITY ID: 11-2007-005


DATE: 12/28/06

**PROJECT: PROSPECT PARK PLAYGROUND IMPROVEMENTS**  
**CONTRACTOR: LEGACY CONSTRUCTION ASSOC.**

PARTIAL PAYMENT NO. 3 (FINAL)

LINE NO.	DESCRIPTION	UNIT	UNITS			CONSTRUCTED TO DATE	UNIT PRICE	TOTAL AMOUNT
			ESTIMATED	AUTHORIZED				
1	MODULAR PLAY EQUIPMENT	EACH	1	1		1.000	\$55,639.00	\$55,639.00
2	CURB, 8" X 18" PCC	LF	280	280		249.000	\$35.45	\$8,827.05
3	SIDEWALK, 5" PCC	SY	125	125		88.700	\$32.48	\$2,880.98
4	GRADING & EARTHWORK	JOB	1	1		1.000	\$3,128.00	\$3,128.00
5	BENCHES	EACH	2	2		2.000	\$510.00	\$1,020.00
6	ENGINEERED WOOD FIBERS	CY	200	200		200.000	\$26.75	\$5,350.00
7	SAND, COARSE WASHED FILL	TON	80	80		40.000	\$25.00	\$1,000.00
8	FILTER FABRIC	JOB	1	1		1.000	\$569.00	\$569.00
9	SWING	EACH	1	1		1.000	\$2,630.00	\$2,630.00
10	SEEDING	JOB	1	1		1.000	\$2,157.00	\$2,157.00
11	PROJECT SIGN - SMALL	EACH	1	1		1.000	\$625.00	\$625.00
12	BIKE RACK	EACH	3	3		3.000	\$472.00	\$1,416.00
13	SWAMP WHITE OAK, 1.25" CAL.	EACH	2	2		2.000	\$200.00	\$400.00
CO 1.01	RAISE MODULAR EQUIPMENT	JOB	1	1		1.000	\$550.00	\$550.00
CO 1.02	TOPSOIL	JOB	1	1		1.000	\$2,148.93	\$2,148.93
CO1	ADJUST CONTRACT ITEM AMOUNTS TO AS-BUILT QUANTITIES							
	TOTAL CONTRACT AMOUNT PLUS CHANGE ORDERS		\$88,340.96					
	PARTIAL PAYMENT NO. 1		\$37,577.25					
	PARTIAL PAYMENT NO. 2		\$40,681.37					
	THIS PARTIAL PAYMENT		\$5,665.29					
	TOTAL PARTIAL PAYMENTS		\$83,923.91					
	BALANCE		\$4,417.05					
	Percent Complete	100%						
	TOTAL							\$88,340.96
	RETAINAGE							\$4,417.05
	TOTAL LESS RETAINAGE							\$83,923.91
	LESS PREVIOUS PAYMENT							\$78,258.62
	AMOUNT DUE							\$5,665.29

PARTIAL PAYMENT NO. 3 (FINAL)

PREPARED BY: 

CHECKED BY: 

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