



Roll Call Number

Agenda Item Number

7 D

DATE January 22, 2007

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT
FOR WESTCHESTER PARK IMPROVEMENTS - PHASE 3, 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 Westchester Park Improvements - Phase 3, 11-2006-013, 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. 06-851, of April 24, 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 \$232,854.56 is the total cost, of which \$215,494.45 has been paid the Contractor, and \$5,717.38 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$11,642.73 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 Park-17, Park Redevelopment, PKS100, G. O. Bonds

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VCLASSIS				
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

[illegible]

ACTIVITY ID: 11-2006-013

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PROJECT SUMMARY

Westchester Park Improvements - Ph.3

Activity ID 11-2006-013

On April 24, 2006, under Roll Call No. 06-851, the City Council awarded the contract for the above improvements to Elder Corporation, in the amount of \$228,527.99 to install a new shelter, space net climber and restroom enclosure at Westchester Park.

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	Construct curb, wedges. Additional removals. Dormant seed, mix soil on site, and lower drainage pipe. Adjust contract item amounts to as-built quantities.	Engineering	\$4,326.57
Original Contract Amount			\$228,527.99
Total Change Orders			\$4,326.57
Percent of Change Orders to Original Contract			1.89%
Final Contract Amount			\$232,854.56

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January 22, 2007

CERTIFICATION OF COMPLETION

AGENDA HEADING:

Accepting completed construction and approving final payment for the Westchester Park Improvements - Phase 3, 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: \$232,854.56 As-Built Contract Cost

Funding Source: 2006-2007 CIP, Page Park-17, Park Redevelopment, PKS100, G. O. Bonds

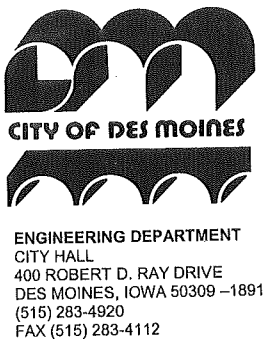
CERTIFICATION OF COMPLETION:

On April 24, 2006, under Roll Call No. 06-851, 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:

Westchester Park Improvements - Phase 3, 11-2006-013

Installation of a shelter, restroom enclosure, 'spacenet' climber, PCC sidewalk, benches, and electrical and plumbing work; all in accordance with the contract documents, including Plan File Nos. 462-11/18 at Westchester Park, 4901 Valdez Drive, Des Moines, Iowa.

I hereby certify that the construction of said Westchester Park Improvements - Phase 3, Activity ID 11-2006-013, 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 May 30, 2006, and was completed on January 10, 2007.



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I further certify that \$232,854.56 is the total cost of said improvement, of which \$215,494.45 has been paid the Contractor and \$5,717.38 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$11,642.73 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, reading "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

PROJECT: WESTCHESTER PARK IMPROVEMENTS - PH 3
CONTRACTOR: ELDER CORP.

PARTIAL PAYMENT NO. 6 (FINAL)

LINE NO.	DESCRIPTION	UNIT	UNITS		CONSTRUCTED TO DATE	UNIT PRICE	TOTAL AMOUNT
			ESTIMATED	AUTHORIZED			
	PARTIAL PAYMENT NO. 1		\$51,930.09				
	PARTIAL PAYMENT NO. 2		\$107,944.48				
	PARTIAL PAYMENT NO. 3		\$39,753.53				
	PARTIAL PAYMENT NO. 4		\$11,081.34				
	PARTIAL PAYMENT NO. 5		\$4,785.01				
	THIS PARTIAL PAYMENT		\$5,717.38				
	TOTAL PARTIAL PAYMENTS		\$221,211.83				
	BALANCE		\$11,523.98				
	Percent Complete	100%					
					TOTAL		\$232,854.56
					RETAINAGE		\$11,642.73
					TOTAL LESS RETAINAGE		\$221,211.83
					LESS PREVIOUS PAYMENT		\$215,494.45
					AMOUNT DUE		\$5,717.38

PARTIAL PAYMENT NO. 6 (FINAL)

PREPARED BY: 

CHECKED BY: 

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