

DATE January 26, 2009

ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR M. L. KING JR. PARK SHELTER & CONGREGATE MEAL SITE, ROCHON CORPORATION OF IOWA, 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 M. L. King Jr. Park Shelter & Congregate Meal Site, 11-2006-028, in accordance with the contract approved between Rochon Corporation of Iowa, Inc., Ron Rochon, President, 3401 106th Circle, Urbandale, IA 50322, under Roll Call No. 07-1990, of October 8, 2007, 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 \$936,571.98 is the total cost, of which \$892,922.53 has been paid the Contractor, with a \$3,179.17 reimbursement from the Contractor for overpayment, and \$0.00 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$46,828.62 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 City Manager be and is hereby authorized and directed to certify the Pollution Prevention Plan Inspection Summary and the NPDES Stormwater General Permit Notice of Discontinuation for the above referenced project on behalf of the City of Des Moines and submit said documents to the Iowa Department of Natural Resources.

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.

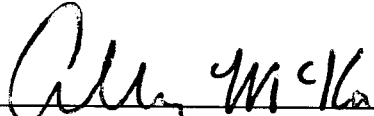
Moved by _____ to adopt.

FORM APPROVED:

FUNDS AVAILABLE



Kathleen Vanderpool
Deputy City Attorney



Allen McKinley
Des Moines Finance Director

★ **Roll Call Number**

Agenda Item Number

14

DATE January 26, 2009

Funding Source: 2008-2009 CIP, Page Park-19, Park Redevelopment, PKS100, Being:

50% of the project costs with a maximum of \$550,000 from Polk County per 28E Agreement approved July 23, 2007, under Roll Call Number 07-1467, with the remaining costs in Des Moines G. O. Bonds from PKS100.

Said 28E Agreement continues in effect through June 30, 2057, and also states that Polk County shall pay 50% of the annual operating expenses including utilities, custodial care, general repairs, and major structural repair and improvements.

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

MOTION CARRIED

APPROVED

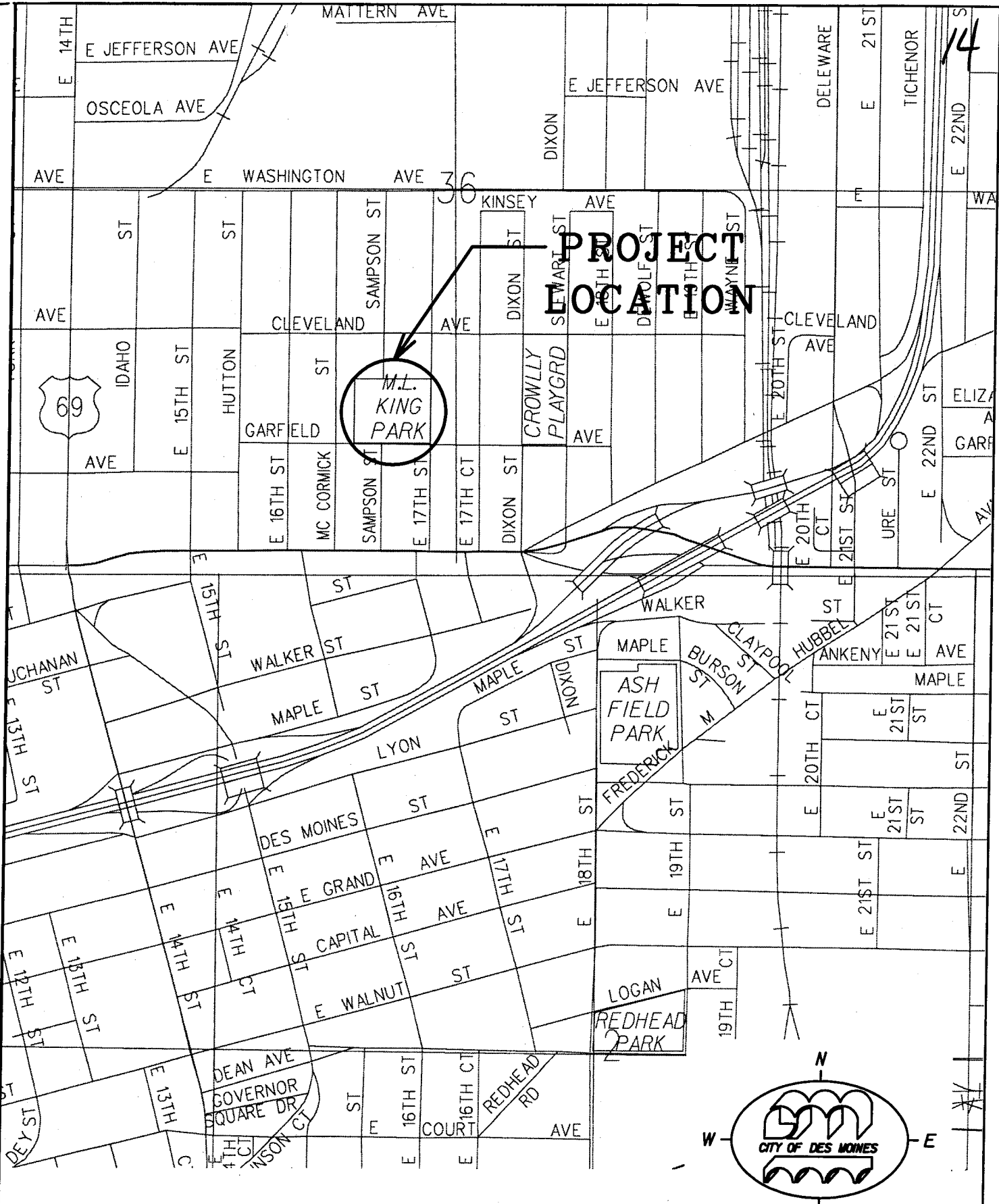
Mayor

I, Diane Rauh, City Clerk of said City Council, hereby certify that at a meeting of the City Council, 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.

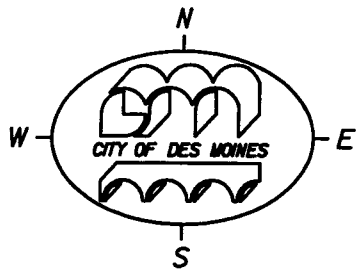
City Clerk

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**PROJECT
LOCATION**

M.L.
KING
PARK



**M.L. KING PARK SHELTER
ACTIVITY I.D. 11-2006-028**

PROJECT SUMMARY

ML King Park Shelter & Congregate Meal

Activity ID 11-2006-028

On October 8, 2007, under Roll Call 07-1990, the City Council awarded the contract for the above improvement to Rochon Corporation of Iowa, in the amount of \$920,750.00 for the construction of a new 4,200 SF wood framed enclosed shelter to be used by both the Parks & Recreation Department and by Polk County as a congregate meal site.

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	2/26/2008 Add water line & fill. Delete soap dispensers & hand dryers. Add fire extinguishers & bullnose cmu. Add hardware and power. Increase size of grease interceptor. Narrower depth of door frame supplied.	Regulator	\$11,031.00
2	5/7/2008 Fire alarm changes required by Fire Marshall. Keyed power switch on oven required by building code official. Electrical primary route changed by Mid-American. Change to kitchen equipment required second outlet for refrigerators and stainless steel serving counter.	Regulator	\$5,697.04
3	8/6/2008 Knox box required by Fire Department. Structural bracing required by Building Inspector. Restroom floor finish changed from sealed concrete to quartz epoxy as requested by Parks. Pass-through counter supplied by kitchen equipment supplier. PVC conduit required by Qwest for phone/data lines.	Regulator	\$2,440.42
4	1/7/2009 Adjust contract item amounts to as-built quantities. Grind curb, remove pavement, install HMA, replace casting. Remove stump. Modify island. Place fly ash. Plant juniper bushes. Adjust contract item amounts to as-built quantities.	Engineering	(\$6,269.46)

<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
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5	1/7/2009	User	\$2,922.98
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Kitchen: stainless steel face plates and receptacles to match the refrigerator requirements. Dining Room: raise lights to reduce chance of vandalism. County requested two more data cables. City inspector required ERU to be raised. Van accessible sign required. HVAC controls changed from remote to stand alone. CPVC piping was installed in lieu of copper as specified.

Original Contract Amount	\$920,750.00
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Total Change Orders	\$15,821.98
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Percent of Change Orders to Original Contract	1.72%
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Final Contract Amount	\$936,571.98 ✓
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January 26, 2009

CERTIFICATION OF COMPLETION

AGENDA HEADING:

Accepting completed construction and approving final payment for the M. L. King Jr. Park Shelter & Congregate Meal Site, Rochon Corporation of Iowa, 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: \$936,571.98 As-Built Contract Cost

Funding Source: 2008-2009 CIP, Page Park-19, Park Redevelopment, PKS100, Being: 50% of the project costs with a maximum of \$550,000 from Polk County per 28E Agreement approved July 23, 2007, under Roll Call Number 07-1467, with the remaining costs in Des Moines G. O. Bonds from PKS100. Said 28E Agreement continues in effect through June 30, 2057, and also states that Polk County shall pay 50% of the annual operating expenses including utilities, custodial care, general repairs, and major structural repair and improvements.

CERTIFICATION OF COMPLETION:

On October 8, 2007, under Roll Call No. 07-1990, the City Council awarded a contract to Rochon Corporation of Iowa, Inc., Ron Rochon, President, 3401 106th Circle, Urbandale, IA 50322 for the construction of the following improvement:

M. L. King Jr. Park Shelter & Congregate Meal Site, 11-2006-028

The improvement includes construction of an approximately 4,200 square foot, wood-framed building for use by the Parks and Recreation Department as an enclosed shelter for community use and as a Congregate Meal Site administered by Polk County. Work includes concrete footings, slabs, wood-framed construction, plumbing, electrical, HVAC, restrooms, and kitchen, all in accordance with the contract documents including Plan File Nos. 474-034/056, at the M. L. King Jr. Park, East 17th Street and Garfield Avenue, Des Moines, Iowa. This project is seeking a certified rating level from the Leadership in Energy and Environmental Design Rating System for New Construction.

I hereby certify that the construction of said M. L. King Jr. Park Shelter & Congregate Meal Site, Activity ID 11-2006-028, 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 November 5, 2007, and was completed on January 8, 2009.



ENGINEERING DEPARTMENT
CITY HALL
400 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309-1891
(515) 283-4920
FAX (515) 283-4112

ALL-AMERICA CITY
1949, 1976, 1981
2003

I further certify that \$936,571.98 is the total cost of said improvement, of which \$892,922.53 has been paid the Contractor, with a \$3,179.17 reimbursement from the Contractor for overpayment and \$0.00 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$46,828.62 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" with a stylized flourish at the end.

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

ESTIMATE OF CONSTRUCTION COMPLETED
FOR WORK DONE FROM 9/26/08 TO 12/23/08
PARTIAL PAYMENT NO. 12 (FINAL)

ACTIVITY ID: 11-2006-028

DATE: 12/23/08

PROJECT: ML KING PARK SHELTER & CONGREGATE MEAL SITE
CONTRACTOR: ROCHON

PARTIAL PAYMENT NO. 12 (FINAL)

LINE NO.	DESCRIPTION	UNIT	UNITS			CONSTRUCTED TO DATE	UNIT PRICE	TOTAL AMOUNT
			ESTIMATED	AUTHORIZED				
1	Enclosed Shelter Building	LS	1	1,000	1,000	\$720,650.00	\$720,650.00	
2	HMA Base	TON	200	184,900	184,900	\$100.00	\$18,490.00	
3	HMA Surface	TON	350	223,640	223,640	\$78.00	\$17,443.92	
4	Curb & Gutter, 24" PCC	LF	900	901,000	901,000	\$18.00	\$16,218.00	
5	Earthwork - Site	JOB	1	1,000	1,000	\$21,000.00	\$21,000.00	
6	Additional Topsoil	CY	100	0,000	0,000	\$38.00	\$0.00	
7	Pulverize Asphalt Tennis Court	SY	820	820,000	820,000	\$5.00	\$4,100.00	
8	Parking Lot Lighting	JOB	1	1,000	1,000	\$9,500.00	\$9,500.00	
9	Lot Striping	JOB	1	1,000	1,000	\$400.00	\$400.00	
10	Sanitary Sewer MH and Plugs	JOB	1	1,000	1,000	\$5,000.00	\$5,000.00	
11	Sidewalk, 4" PCC	SY	700	628,000	628,000	\$30.00	\$18,840.00	
12	Driveway, 6" PCC	SY	200	193,000	193,000	\$32.00	\$6,176.00	
13	Plantings	JOB	1	1,000	1,000	\$10,800.00	\$10,800.00	
14	Project Sign	EA	1	1,000	1,000	\$500.00	\$500.00	
15	Unsuitable Soil, Remove & Replace	CY	100	0,000	0,000	\$39.00	\$0.00	
ALT 1	Add open air shelter @ east end of building.	LS	1	1	1,000	\$21,300.00	\$21,300.00	
ALT 2	Geo-thermal in lieu of forced air	LS	1	1	1,000	\$28,900.00	\$28,900.00	
CO 1	ADD WATER LINE, HARDWARE, INTERCEPTOR	LS	1	1	1,000	\$11,031.00	\$11,031.00	
CO 2	ADD ELEC., STAINLESS STEEL COUNTER	LS	1	1	1,000	\$5,697.04	\$5,697.04	
CO 3	ADD KNOX BOX, BRACING, CONDUIT.	LS	1	1	1,000	\$2,440.42	\$2,440.42	
CO 4.01	GRIND CURB	LS	1	1	1,000	\$1,000.00	\$1,000.00	
CO 4.02	REMOVE PVMT	LS	1	1	1,000	\$2,500.00	\$2,500.00	
CO 4.03	INSTALL HMA	LS	1	1	1,000	\$400.00	\$400.00	
CO 4.04	REPLACE CASTING	LS	1	1	1,000	\$950.00	\$950.00	
CO 4.05	REMOVE STUMP	LS	1	1	1,000	\$642.50	\$642.50	
CO 4.06	MODIFY ISLAND	LS	1	1	1,000	\$4,063.00	\$4,063.00	
CO 4.07	FLY ASH	LS	1	1	1,000	\$2,500.00	\$2,500.00	
CO 4.08	JUNIPERS	LS	1	1	1,000	\$1,702.66	\$1,702.66	
CO 4	BOND, INSURANCE, OHP	LS	1	1	1,000	\$1,404.46	\$1,404.46	
CO 5	ELECTRICAL, HVAC, SIGNAGE	LS	1	1	1,000	\$2,922.98	\$2,922.98	

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PROJECT: ML KING PARK SHELTER & CONGREGATE MEAL SITE
 CONTRACTOR: ROCHON

PARTIAL PAYMENT NO. 12 (FINAL)

LINE NO.	DESCRIPTION	UNIT	UNITS		UNIT PRICE	TOTAL AMOUNT
			ESTIMATED	AUTHORIZED		
	TOTAL CONTRACT AMOUNT PLUS CHANGE ORDERS		\$936,571.98			
	PARTIAL PAYMENT NO. 1		\$91,578.09			
	PARTIAL PAYMENT NO. 2		\$133,927.20			
	PARTIAL PAYMENT NO. 3		\$59,845.44			
	PARTIAL PAYMENT NO. 4		\$92,358.67			
	PARTIAL PAYMENT NO. 5		\$79,499.00			
	PARTIAL PAYMENT NO. 6		\$106,340.01			
	PARTIAL PAYMENT NO. 7		\$113,765.84			
	PARTIAL PAYMENT NO. 8		\$100,207.73			
	PARTIAL PAYMENT NO. 9		\$67,884.63			
	PARTIAL PAYMENT NO. 10		\$30,580.89			
	PARTIAL PAYMENT NO. 11		\$16,935.03			
	THIS PARTIAL PAYMENT		\$0.00			
	TOTAL PARTIAL PAYMENTS		\$892,922.53			
	REFUND FROM CONTRACTOR FOR OVERPAYMENT		(\$3,179.17)			
	TOTAL PAYMENTS MINUS CONTRACTOR REFUND		\$889,743.36 ✓			
	BALANCE		\$46,828.62			
	Percent Complete	100%				
	TOTAL					\$936,571.98
	RETAINAGE					\$46,828.62
	TOTAL LESS RETAINAGE					\$889,743.36
	PAYMENTS MINUS REFUND					\$889,743.36
	AMOUNT DUE					\$0.00

PARTIAL PAYMENT NO. 12 (FINAL)

PREPARED BY: Jill T. Shady

CHECKED BY: [Signature]