

DATE February 9, 2009

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR DEAN'S LAKE STORM WATER PUMP STATION, HERBERGER CONSTRUCTION CO., 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 Dean's Lake Storm Water Pump Station, 08-2006-007, in accordance with the contract approved between Herberger Construction Co., Inc., Dean Herberger, President, 2508 West 2nd Avenue, Indianola, IA 50125, under Roll Call No. 07-2073, of October 22, 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 \$2,598,370.39 is the total cost, of which \$2,468,451.87 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 \$129,918.52 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.

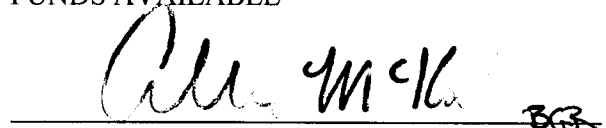

BE IT FURTHER RESOLVED: That the City Manager be and is hereby authorized and directed to certify the Pollution Prevention Plan Inspection Summary and the NPDES Stormwater General Permit Notice of Discontinuation for the above referenced project on behalf of the City of Des Moines and submit said documents 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.

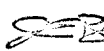
FORM APPROVED:

FUNDS AVAILABLE



Kathleen Vanderpool  
Deputy City Attorney

Allen McKinley  
Des Moines Finance Director

 Funding Source: 2008-20097 CIP, Page Storm-8, Dean's Lake Pump Station Improvements, STE080, Storm Water Utility Funds

★ **Roll Call Number**

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**Agenda Item Number**

**13 B**

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DATE February 9, 2009

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         |      |      |      |        |
| COLEMAN        |      |      |      |        |
| HENSLEY        |      |      |      |        |
| KIERNAN        |      |      |      |        |
| MAHAFFEY       |      |      |      |        |
| MEYER          |      |      |      |        |
| VLASSIS        |      |      |      |        |
| <b>TOTAL</b>   |      |      |      |        |

MOTION CARRIED

APPROVED

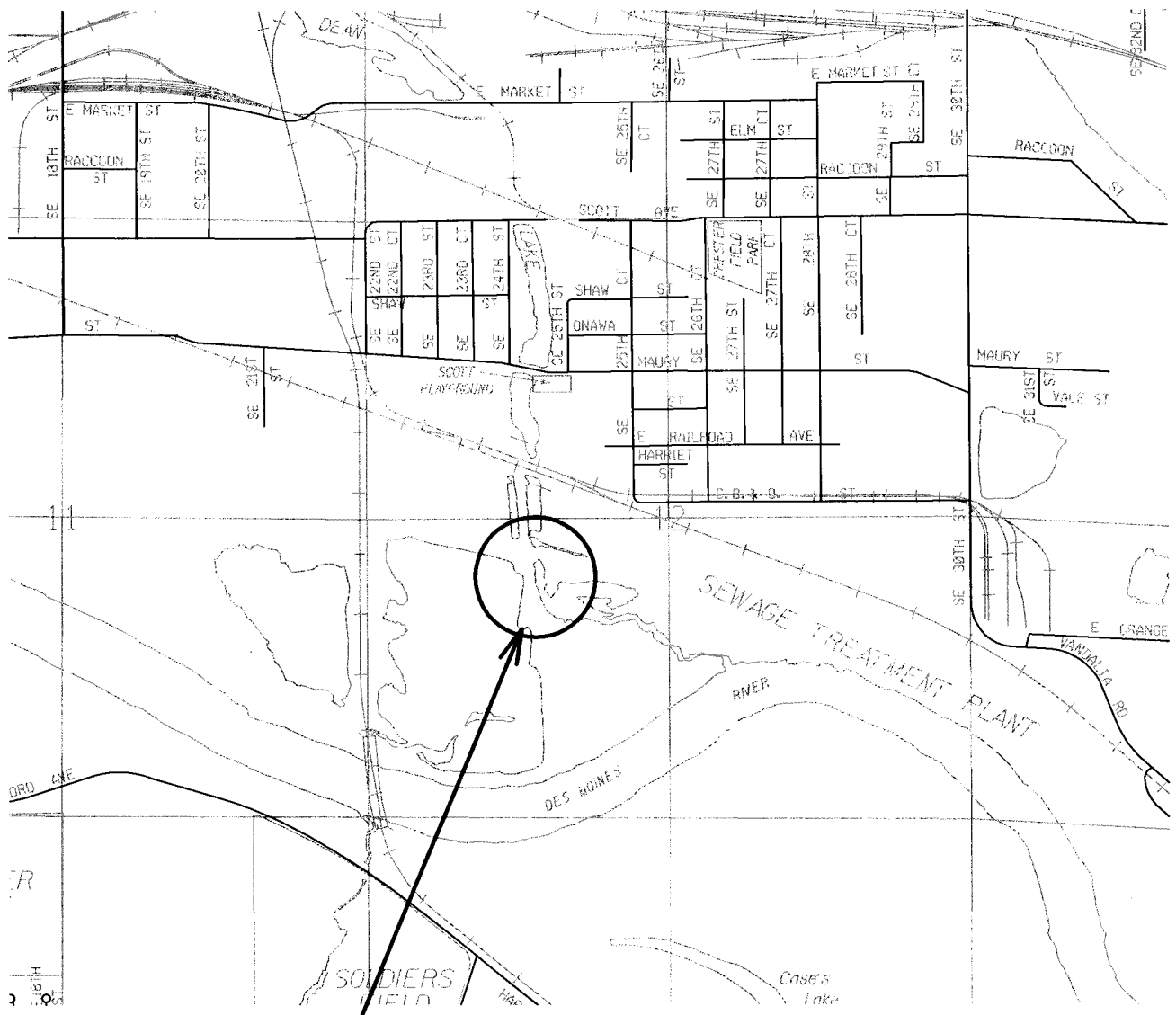
\_\_\_\_\_  
Mayor

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.

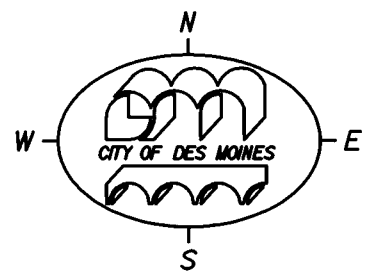
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk

13B



**PROJECT  
LOCATION**



**DEAN'S LAKE STORM WATER  
PUMP STATION  
ACTIVITY I.D. 08-2006-007**

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# PROJECT SUMMARY

## Dean's Lake Storm Water Pump Station

### Activity ID 08-2006-007

On October 22, 2007, under Roll Call No. 07-2072, the City Council awarded the contract for the above improvement to Herberger Construction Company Inc. in the amount of \$2,544,865.00, for the construction of a storm water pump station, inlet headwall, outlet headwall, a gate well structure and two 54-inch diameter reinforced concrete storm sewers.

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                       | 5/7/2008<br>A Geotechnical Engineer and testing lab were hired to verify the bearing pressure of the material was sufficient to support the pump station's footings. The Contractor was required to construct a temporary levee.  | Engineering         | \$20,206.82   |
| 2                       | 6/9/2008<br>The Contractor value engineered the sluice gates in the pump station to provide fiberglass reinforced sluice gates in lieu of cast iron gates. This provided a cost savings to the City. The Contractor was requested by the City to remove and replace the existing natural gas generator at the University Avenue Storm Water Pump Station. | User                | \$6,748.70    |
| 3                       | 8/27/2008<br>The Contractor was requested to construct an emergency levee restoration during the flooding event in June 2008. Adjusting contract quantities to as-built quantities  | Engineering         | \$7,031.80    |
| 4                       | 10/15/2008<br>The Contractor was requested to construct and maintain an additional emergency levee restoration during the flooding event in June 2008. Adjusting contract quantities to as-built quantities for field modifications.  | Engineering         | \$19,518.07   |

| <u>Change<br/>Order No.</u> | <u>Description</u>                            | <u>Initiated<br/>By</u> | <u>Amount</u>  |
|-----------------------------|---|-------------------------|----------------|
|                             | Original Contract Amount                      |                         | \$2,544,865.00 |
|                             | Total Change Orders                           |                         | \$53,505.39    |
|                             | Percent of Change Orders to Original Contract |                         | 2.10%          |
|                             | Final Contract Amount                         |                         | \$2,598,370.39 |

February 9, 2009

**CERTIFICATION OF COMPLETION**

**AGENDA HEADING:**

Accepting completed construction and approving final payment for the Dean's Lake Storm Water Pump Station, Herberger Construction Co., 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: \$2,598,370.39 As-Built Contract Cost

Funding Source: 2008-20097 CIP, Page Storm-8, Dean's Lake Pump Station Improvements, STE080, Storm Water Utility Funds

**CERTIFICATION OF COMPLETION:**

On October 22, 2007, under Roll Call No. 07-2073, the City Council awarded a contract to Herberger Construction Co., Inc., Dean Herberger, President, 2508 West 2nd Avenue, Indianola, IA 50125 for the construction of the following improvement:

Dean's Lake Storm Water Pump Station, 08-2006-007

The improvement includes construction of a storm water pump station, inlet headwall, outlet headwall, 54" diameter storm sewer construction and miscellaneous associated work including cleanup and other incidental items; in accordance with the contract documents, including Plans File Nos. 478-038/070, and located south of Maury Street at the Des Moines River Levee and west of the Wastewater Reclamation Facility Biosolids Storage Facility

I hereby certify that the construction of said Dean's Lake Storm Water Pump Station, Activity ID 08-2006-007, 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 22, 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 \$2,598,370.39 is the total cost of said improvement, of which \$2,468,451.87 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 \$129,918.52 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 10/15/08 TO 10/31/08  
**FINAL PAYMENT (PAYMENT NO. 11)**

**PROJECT: Dean's Lake Storm Water Pump Station**  
**CONTRACTOR: Herberger Construction Company**

FINAL PAYMENT (PAYMENT NO. 11)

| LINE NO. | DESCRIPTION                                   | UNIT | UNITS     |            |          | CONSTRUCTED TO DATE | UNIT PRICE     | TOTAL AMOUNT |
|----------|---|------|-----------|------------|----------|---------------------|----------------|--------------|
|          |   |      | ESTIMATED | AUTHORIZED |          |                     |                |              |
| 1        | Mobilization                                  | LS   | 1.0       | 1.00       | 1.00     | \$100,000.00        | \$100,000.00   |              |
| 2        | Clearing and Grubbing                         | ACRE | 0.3       | 0.30       | 0.30     | \$35,000.00         | \$10,500.00    |              |
| 3        | Demolition                                    | LS   | 1.0       | 1.00       | 1.00     | \$42,500.00         | \$42,500.00    |              |
| 4        | Excavation, Class 10                          | CY   | 3,850.0   | 3,850.00   | 3,850.00 | \$14.00             | \$53,900.00    |              |
| 5        | Topsoil, Strip, Salvage and Spread            | CY   | 810.0     | 810.00     | 810.00   | \$10.00             | \$8,100.00     |              |
| 6        | Controlled Low-Strength Material              | CY   | 1,150.0   | 956.00     | 956.00   | \$100.00            | \$95,600.00    |              |
| 7        | Site & Access Road Polymer Grid               | SY   | 1,675.0   | 2,028.00   | 2,028.00 | \$5.75              | \$11,661.00    |              |
| 8        | Site & Access Road Class D Granular Surfacing | SY   | 1,675.0   | 2,028.00   | 2,028.00 | \$10.39             | \$21,070.92    |              |
| 9        | Chain Link Fence, 96-inch Height              | FT   | 160.0     | 160.00     | 160.00   | \$32.00             | \$5,120.00     |              |
| 10       | Chain Link Fence Gate, 16' Wide               | EACH | 1.0       | 1.00       | 1.00     | \$2,100.00          | \$2,100.00     |              |
| 11       | Storm Sewer Pipe, 54-inch Dia., Class V       | FT   | 276.0     | 276.00     | 276.00   | \$318.00            | \$87,768.00    |              |
| 12       | Foundation Rock                               | TON  | 30.0      | 228.30     | 228.30   | \$20.00             | \$4,566.00     |              |
| 13       | Guardpost, Bollard                            | EACH | 9.0       | 9.00       | 9.00     | \$320.00            | \$2,880.00     |              |
| 14       | Engine Generator                              | EACH | 1.0       | 1.00       | 1.00     | \$307,000.00        | \$307,000.00   |              |
| 15       | Concrete Generator Foundation Pad             | EACH | 1.0       | 1.00       | 1.00     | \$15,000.00         | \$15,000.00    |              |
| 16       | Concrete Transformer Foundation Pad           | EACH | 1.0       | 1.00       | 1.00     | \$5,500.00          | \$5,500.00     |              |
| 17       | Dean's Lake Headwall                          | EACH | 1.0       | 1.00       | 1.00     | \$79,000.00         | \$79,000.00    |              |
| 18       | Des Moines River Headwall                     | EACH | 1.0       | 1.00       | 1.00     | \$73,000.00         | \$73,000.00    |              |
| 19       | Cast In Place Retaining Wall                  | LF   | 70.0      | 70.00      | 70.00    | \$1,400.00          | \$98,000.00    |              |
| 20       | Pump Station & Gate Structure                 | LS   | 1.0       | 1.00       | 1.000    | \$1,434,600.00      | \$1,434,600.00 |              |
| 21       | Seeding and Mulching Levee Mix                | ACRE | 2.0       | 3.00       | 3.00     | \$2,000.00          | \$6,000.00     |              |
| 22       | Seeding, Type 5 Stabilizing Crop              | ACRE | 2.0       | 0.00       | 0.00     | \$450.00            | \$0.00         |              |
| 23       | Erosion Control                               | LS   | 1.0       | 1.00       | 1.00     | \$6,500.00          | \$6,500.00     |              |
| 24       | Silt Fence Placement                          | FT   | 815.0     | 1,242.00   | 1,242.00 | \$2.00              | \$2,484.00     |              |
| 25       | Silt Fence Removal                            | FT   | 815.0     | 1,242.00   | 1,242.00 | \$0.50              | \$621.00       |              |
| 26       | Revetment Class D                             | TON  | 85.0      | 88.76      | 88.76    | \$45.00             | \$3,994.20     |              |
| 27       | Levee Restoration                             | LS   | 1.0       | 1.00       | 1.00     | \$36,000.00         | \$36,000.00    |              |
| 28       | Construction Survey                           | LS   | 1.0       | 1.00       | 1.00     | \$24,000.00         | \$24,000.00    |              |
| 1.01     | Geotechnical Services                         | LS   | 0.0       | 1.00       | 1.00     | \$1,386.82          | \$1,386.82     |              |
| 1.02     | Temporary Levee Restoration                   | LS   | 0.0       | 1.00       | 1.00     | \$18,095.00         | \$18,095.00    |              |
| 1.03     | Perimeter Wall Extension                      | LS   | 0.0       | 1.00       | 1.00     | \$725.00            | \$725.00       |              |
| 2.01     | Univest Avenue Generator Replacement          | LS   | 0.0       | 1.00       | 1.00     | \$67,283.70         | \$67,283.70    |              |
| 2.02     | Plastifab Sluice Gates (Credit)               | LS   | 0.0       | 1.00       | 1.00     | -\$37,155.00        | (\$37,155.00)  |              |
| 2.03     | Structure Conduit Steel to PVC (Credit)       | LS   | 0.0       | 1.00       | 1.00     | -\$3,980.00         | (\$3,980.00)   |              |
| 3.01     | Temporary Levee Construction                  | LS   | 0.0       | 1.00       | 1.00     | \$4,015.00          | \$4,015.00     |              |
| 3.02     | 48-Inch Gate                                  | LS   | 0.0       | 1.00       | 1.00     | \$610.00            | \$610.00       |              |
| 4.01     | Temporary Levee                               | LS   | 0.0       | 1.00       | 1.00     | \$7,999.75          | \$7,999.75     |              |
| 4.02     | Additional Access Road Excavation             | CY   | 0.0       | 125.00     | 125.00   | \$15.40             | \$1,925.00     |              |

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PROJECT: Dean's Lake Storm Water Pump Station  
 CONTRACTOR: Herberger Construction Company

| LINE NO. | DESCRIPTION                              | UNITS |                |            | CONSTRUCTED TO DATE | UNIT PRICE | TOTAL AMOUNT   |
|----------|--|-------|----------------|------------|---------------------|------------|----------------|
|          |  | UNIT  | ESTIMATED      | AUTHORIZED |                     |            |                |
|          | TOTAL CONTRACT AMOUNT PLUS CHANGE ORDERS |       | \$2,598,370.39 |            |                     |            |                |
|          | PARTIAL PAYMENT NO 1                     |       | \$172,040.86   |            |                     |            |                |
|          | PARTIAL PAYMENT NO 2                     |       | \$230,954.50   |            |                     |            |                |
|          | PARTIAL PAYMENT NO 3                     |       | \$363,333.20   |            |                     |            |                |
|          | PARTIAL PAYMENT NO 4                     |       | \$356,150.63   |            |                     |            |                |
|          | PARTIAL PAYMENT NO 5                     |       | \$690,603.22   |            |                     |            |                |
|          | PARTIAL PAYMENT NO 6                     |       | \$60,930.34    |            |                     |            |                |
|          | PARTIAL PAYMENT NO 7                     |       | \$240,259.75   |            |                     |            |                |
|          | PARTIAL PAYMENT NO 8                     |       | \$141,325.06   |            |                     |            |                |
|          | PARTIAL PAYMENT NO 9                     |       | \$81,199.25    |            |                     |            |                |
|          | PARTIAL PAYMENT NO 10                    |       | \$111,870.77   |            |                     |            |                |
|          | PARTIAL PAYMENT NO 11                    |       | \$19,784.29    |            |                     |            |                |
|          | THIS PARTIAL PAYMENT                     |       | \$0.00         |            |                     |            |                |
|          | TOTAL PARTIAL PAYMENTS                   |       | \$2,468,451.87 |            |                     |            |                |
|          | TOTAL                                    |       |                |            |                     |            | \$2,598,370.39 |
|          | RETAINAGE                                |       |                |            |                     |            | \$129,918.52   |
|          | TOTAL LESS RETAINAGE                     |       |                |            |                     |            | \$2,468,451.87 |
|          | LESS PREVIOUS PAYMENT                    |       |                |            |                     |            | \$2,468,451.87 |
|          | AMOUNT DUE                               |       |                |            |                     |            | \$0.00         |

FINAL PAYMENT (PAYMENT NO. 11)

PREPARED BY: *Diana M. King*  
 CHECKED BY: *Open January*  
 CONTRACTOR: *Carl M. Brown*

13 B