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Date February 12, 2007

ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR THE ASHBY PARK WATER PLAYGROUND, RUSSELL CONSTRUCTION CO., INC.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the attached report of the Chief Civil Engineer, showing the cost of construction of the Ashby Park Water Playground, Activity ID 11-2001-019, in accordance with the contract approved between Russell Construction Co., Inc., James V. Russell, President, 2550 73rd Street, Urbandale, IA, 50322, under Roll Call No. 03-680, of March 24, 2003, and the City of Des Moines, Iowa, and recommending the acceptance thereof, be and the same is hereby approved, and accepted, and

BE IT FURTHER RESOLVED: That \$491,123.48 is the total cost, of which \$466,567.31 has been paid the Contractor, and the remaining balance of \$24,556.17 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 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 5%, Chapter 573, Code of Iowa retainage amount, whichever is lesser.

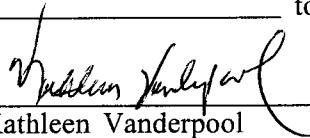
BE IT FURTHER RESOLVED: That the Engineering Department be and is hereby authorized and directed to notify all persons and firms with outstanding Chapter 573 claims against said project, that the project has been given final acceptance as completed by this City Council, that they have 60 days from such acceptance within which to initiate suit to collect on their claims, and that if suit is not commenced within that time, the City will be required to release the retainage which it is now holding.

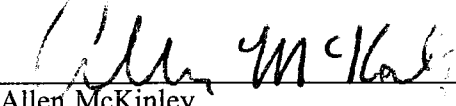
BE IT FURTHER RESOLVED: That the Finance Department be and is hereby authorized to release said retainage if suit is not filed as above provided.

Activity ID 11-2001-019

Moved by _____ to adopt. Funds Available:

FORM APPROVED:


Kathleen Vanderpool
Deputy City Attorney


Allen McKinley
Acting Finance Director

Funding: 2006-2007 CIP, Page Park-30, Wading Pool Improvements, PKS034, G.O. Bonds



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

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.

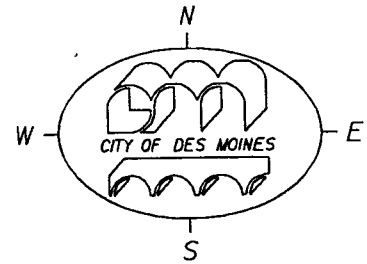
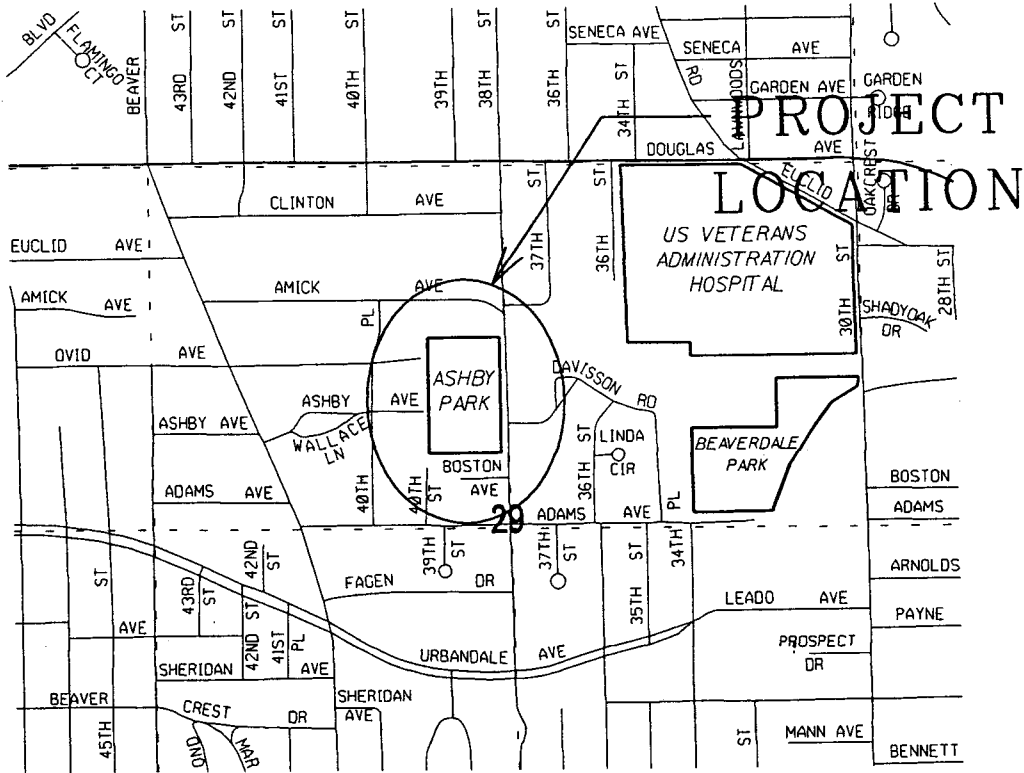
MOTION CARRIED

APPROVED

Mayor

City Clerk

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ASHBY PARK
 WATER PLAYGROUND
 38TH AND
 DAVISSON ROAD
 ACTIVITY ID.
 11-2001-019

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PROJECT SUMMARY

Ashby Park Water Playground

Activity ID 11-2001-019

On March 24, 2003, under Roll Call No. 03-680, the City Council awarded the contract for the above improvements to Russell Construction Company, Inc., in the amount of \$424,799.99 for replacement of the existing wading pool with new water playground appurtenances. Replacement of the existing parking lot, new sidewalk, construction of a surge tank/backwash pit, modifications to the existing shelter building to accommodate the new pool equipment, and site and utility work, all in accordance with the contract documents, including Plan File Nos. 407-121/140, at:

Ashby Park
38th Street and Davisson Road
Des Moines, Iowa

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	8/25/2003 Replace expansive soil and install drainage system under surge tank.	Engineering	\$14,475.00
2	10/14/2003 Add hose bib below drinking fountain, replace OSB with MDO in storage room, enclose wood louver in Chemical Storage Room, provide 3" pressure relief valve, add 2'-4" to height of surge tank to increase capacity, provide and install exhaust louvers in men's and women's restrooms.	User	\$6,463.85
3	1/16/2004 Remove and replace concrete at restroom doors, additional reinforcing in surge pit, add water feature controller, additional seeding, additional pavement removal, add door stops and thresholds.	User	\$6,607.64
4	2/9/2004 Add power actuated valves & LED control panel to reduce entries into confined space by Parks personnel.	Regulator	\$18,816.00
5	6/19/2006 Add 2" backflow preventer, move air gap above backwash pit.	Regulator	\$9,985.00

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<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
6	6/22/2006 Provide and install hot box.	Regulator	\$9,976.00
Original Contract Amount			\$424,799.99
Total Change Orders			\$66,323.49
Percent of Change Orders to Original Contract			15.61%
Final Contract Amount			\$491,123.48

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February 12, 2007

CERTIFICATION OF COMPLETION

AGENDA HEADING:

Accepting completed construction and approving final payment for the Ashby Park Water Playground, Russell 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: \$491,123.48 As-Built Contract Cost

Funding Source: 2006-2007 CIP, Page Park-30, Wading Pool Improvements, PKS034, G. O. Bonds

CERTIFICATION OF COMPLETION:

On March 24, 2003, under Roll Call No. 03-680, the City Council awarded a contract to Russell Construction Co., Inc., James V. Russell, President, 2550 73rd Street, Urbandale, Iowa, 50322 for the construction of the following improvement:

Ashby Park Water Playground, 11-2001-019

Replacement of the existing wading pool with a new water playground and appurtenances. Replacement of the existing parking lot, new sidewalk, construction of a surge tank/backwash pit, modifications to the existing shelter building to accommodate the new pool equipment, and site and utility work, all in accordance with the contract documents, including Plan File Nos. 407 – 121/140, at Ashby Park, 38th Street and Davisson Road, Des Moines, Iowa.

I hereby certify that the construction of said Ashby Park Water Playground, Activity ID 11-2001-019, 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 April 14, 2003, and was completed on January 26, 2007.



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

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I further certify that \$491,123.48 is the total cost of said improvement, of which \$466,567.31 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 \$24,556.17 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.



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

TO OWNER:
 City of Des Moines
 400 E. 1st Street
 Des Moines, IA 50309
 FROM CONTRACTOR:
 Russell Construction Co., Inc.
 2550 73rd Street
 Urbandale, IA 50322

PROJECT:
 Ashby Park Water Playground
 38th Street and Davisson Road
 Des Moines, IA
 VIA ARCHITECT:
 Russell Construction Co., Inc.
 2550 73rd Street
 Urbandale, IA 50322

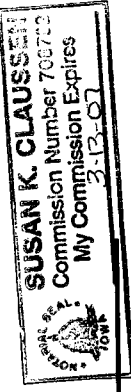
CONTRACT FOR: General Construction

CONTRACTOR'S APPLICATION FOR PAYMENT
 Application is made for payment, as shown below, in connection with the Contract.
 Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM \$ 424,799.99
2. Net change by Change Orders \$66,323.49
3. CONTRACT SUM TO DATE (Line 1 ± 2) \$ 491,123.48
4. TOTAL COMPLETED & STORED TO DATE \$ 491,123.48
 (Column G on G703)
5. RETAINAGE:
 a. 5 % of Completed Work 24,556.17
 (Column D + E on G703)
 b. 0 % of Stored Material \$ -
 (Column F on G703)
 Total Retainage (Lines 5a + 5b or
 Total in Column I of G703) \$ 24,556.17
6. TOTAL EARNED LESS RETAI \$ 466,567.31
 (Line 4 Less Line 5 Total)
7. LESS PREVIOUS CERTIFICATES FOR
 PAYMENT (Line 6 from prior Certificate) \$ 466,567.31*
8. CURRENT PAYMENT DUE \$ (0.00)
9. BALANCE TO FINISH, INCLUDING RETAINAGE \$ 24,556.17
 (Line 3 less Line 6)

OWNER CHANGE ORDERS	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$66,323.49	\$0.00
Total approved this Month	\$0.00	\$0.00
TOTALS	\$66,323.49	\$0.00
NET CHANGES by Change Order		\$66,323.49

CONTRACTOR: RUSSELL CONSTRUCTION COMPANY, INC.
 By: Julie Daxon Date: 10/26/06
 Julie Daxon, Controller County of: Scott
 State of: Iowa
 Subscribed and sworn to before me this
 Notary Public:
 My Commission expires: Susan K. Clausen



ARCHITECT'S CERTIFICATE FOR PAYMENT
 In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$ 0.00
 (Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)
 ARCHITECT: [Signature] Date: JAN 22, 2007
 This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

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CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 2 OF 2 PAGES

AIA Document: G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing

APPLICATION NO: **11REV**
 APPLICATION DATE: **20-Oct-06**
 PERIOD TO: **20-Oct-06**
 CONTRACTOR'S PROJECT NO: **01-DM-3018**

Contractor's signed certification is attached.
 In tabulations below, amounts are stated to the nearest dollar.
 Use Column I on Contracts where variable retainage for line items may apply.

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED FROM PREVIOUS APPLICATION (D + E)	E		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C - G)	I RETAINAGE 5%
				WORK COMPLETED THIS PERIOD	% (G + C)				
1000	General Requirements	\$33,413.00	\$33,413.00	\$0.00	\$0.00	\$0.00	\$33,413.00		\$1,670.65
2000	Demolition	\$4,075.00	\$4,075.00	\$0.00	\$0.00	\$0.00	\$4,075.00		\$203.75
2000	Excavation	\$60,550.00	\$60,550.00	\$0.00	\$0.00	\$0.00	\$60,550.00		\$3,027.50
2000	Asphalt Paving	\$27,917.00	\$27,917.00	\$0.00	\$0.00	\$0.00	\$27,917.00		\$1,395.85
2000	Landscaping	\$13,720.00	\$13,720.00	\$0.00	\$0.00	\$0.00	\$13,720.00		\$686.00
3000	Concrete	\$65,500.00	\$65,500.00	\$0.00	\$0.00	\$0.00	\$65,500.00		\$3,275.00
4000	Masonry	\$10,050.00	\$10,050.00	\$0.00	\$0.00	\$0.00	\$10,050.00		\$502.50
5000	Metals	\$5,602.00	\$5,602.00	\$0.00	\$0.00	\$0.00	\$5,602.00		\$280.10
6000	Carpentry	\$1,500.00	\$1,500.00	\$0.00	\$0.00	\$0.00	\$1,500.00		\$75.00
7000	Thermal & Moisture Protection	\$2,948.00	\$2,948.00	\$0.00	\$0.00	\$0.00	\$2,948.00		\$147.40
8000	Doors & Hardware	\$7,900.00	\$7,900.00	\$0.00	\$0.00	\$0.00	\$7,900.00		\$395.00
9000	Painting	\$11,973.00	\$11,973.00	\$0.00	\$0.00	\$0.00	\$11,973.00		\$598.65
15000	Toilet Accessories	\$2,039.00	\$2,039.00	\$0.00	\$0.00	\$0.00	\$2,039.00		\$101.95
15000	Specialty Equipment	\$2,200.00	\$2,200.00	\$0.00	\$0.00	\$0.00	\$2,200.00		\$110.00
15000	Mechanical - HVAC & Plumbing	\$124,340.00	\$124,340.00	\$0.00	\$0.00	\$0.00	\$124,340.00		\$6,217.00
16000	Electrical	\$20,692.00	\$20,692.00	\$0.00	\$0.00	\$0.00	\$20,692.00		\$1,034.60
	SUBTOTAL	\$394,419.00	\$394,419.00	\$0.00	\$0.00	\$0.00	\$394,419.00		\$19,720.95
	Performance/Maintenance Bond	\$4,243.00	\$4,243.00	\$0.00	\$0.00	\$0.00	\$4,243.00		\$212.15
	Contractor's Fee	\$26,137.99	\$26,137.99	\$0.00	\$0.00	\$0.00	\$26,137.99		\$1,306.90
	TOTAL OF ORIGINAL CONTRACT	\$424,799.99	\$424,799.99	\$0.00	\$0.00	\$0.00	\$424,799.99		\$21,240.00
	CO #1 Overexcavate the Surge Tank	\$14,475.00	\$14,475.00	\$0.00	\$0.00	\$0.00	\$14,475.00		\$723.75
	CO #2 Added height to tank, mechanical	\$6,463.85	\$6,463.85	\$0.00	\$0.00	\$0.00	\$6,463.85		\$323.19
	CO #3 Misc Changes	\$6,607.64	\$6,607.64	\$0.00	\$0.00	\$0.00	\$6,607.64		\$330.38
	CO #4 Power Actuated Valves & Panel	\$18,816.00	\$18,816.00	\$0.00	\$0.00	\$0.00	\$18,816.00		\$940.80
	CO #5 Add 2" Backflow Preventer	\$9,985.00	\$9,985.00	\$0.00	\$0.00	\$0.00	\$9,985.00		\$499.25
	CO #6 Provide and Install Hot Box	\$9,976.00	\$9,976.00	\$0.00	\$0.00	\$0.00	\$9,976.00		\$498.80
	GRAND TOTALS	\$491,123.48	\$491,123.48	\$0.00	\$0.00	\$0.00	\$491,123.48	\$0.00	\$24,556.17

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