

DATE February 23, 2009

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR EVELYN K. DAVIS PARK IMPROVEMENTS, 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 Evelyn K. Davis Park Improvements, 11-2007-014, 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. 07-1116, of June 4, 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 \$401,508.20 is the total cost, of which \$381,432.79 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 \$20,075.41 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.

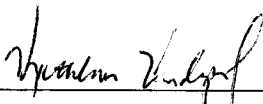
BE IT FURTHER RESOLVED: That the Engineering Department be and is hereby authorized and directed to notify all persons and firms with outstanding Chapter 573 claims against said project, that the project has been given final acceptance as completed by this City Council, that they have 60 days from such 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.

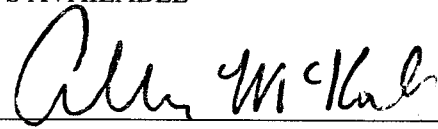
BE IT FURTHER RESOLVED: That the Des Moines Finance Director be and is hereby authorized to release said retainage if suit is not filed as above provided.

Moved by \_\_\_\_\_ to adopt.

FORM APPROVED:

FUNDS AVAILABLE

  
\_\_\_\_\_  
Kathleen Vanderpool  
Deputy City Attorney

  
\_\_\_\_\_  
Allen McKinley  
Des Moines Finance Director



Funding Source: 2008-2009 CIP, Page Park-7, Evelyn K. Davis Park Improvements, PKS168, Various Funding, Being: \$130,000 from a Community Attraction and Tourism (CAT) Grant, \$100,000 from Polk County, \$100,000 from Prairie Meadows, \$50,000 from United Way, and \$21,508.20 G.O. Bonds

**Roll Call Number**

**Agenda Item Number**

★ \_\_\_\_\_

11

**Date** February 23, 2009

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

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# PROJECT SUMMARY

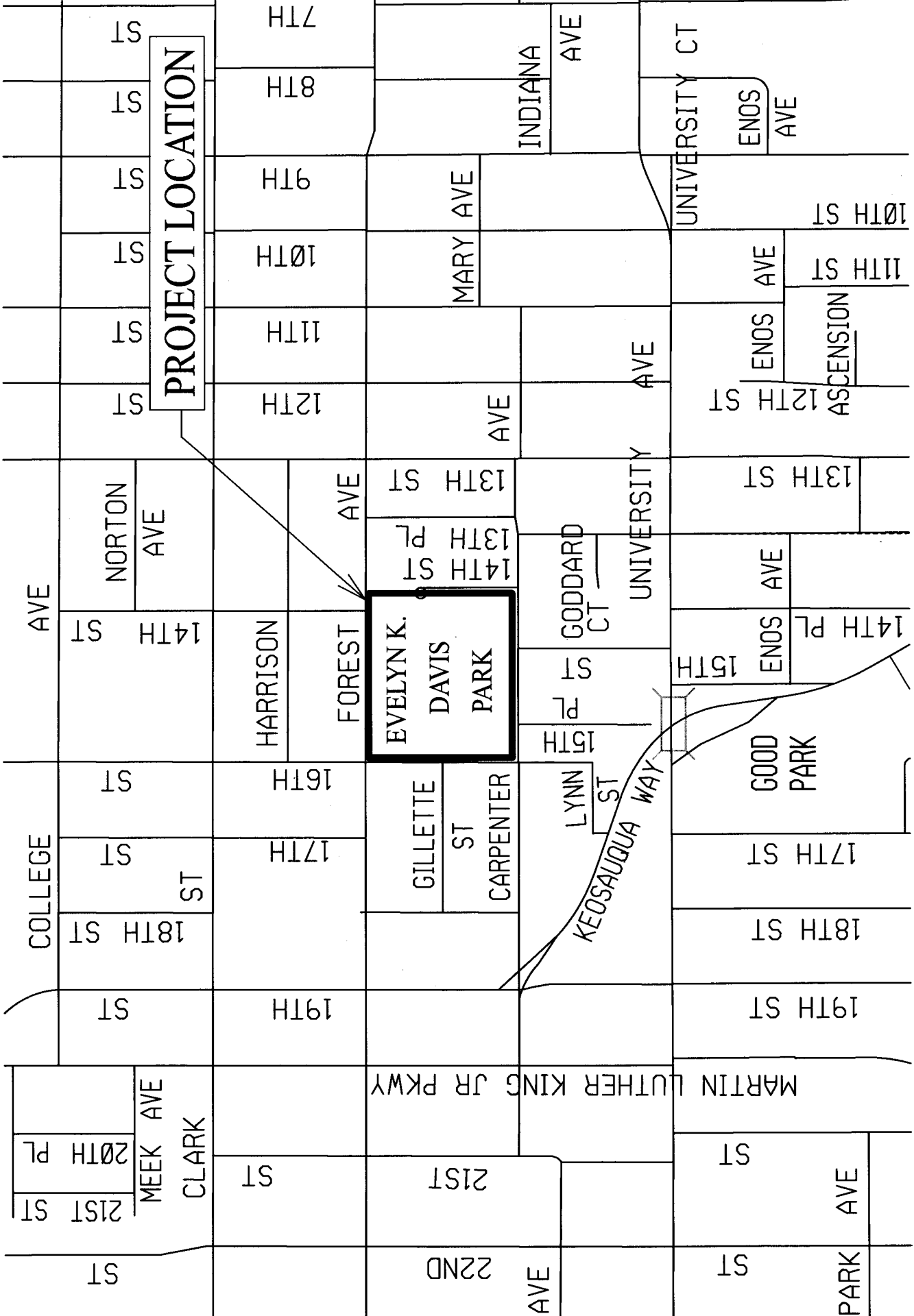
## Evelyn Davis Park Improvements

### Activity ID 11-2007-014

On June 4, 2007, under Roll Call No. 07-1116, the City Council awarded the contract for the above improvements to Elder Corporation, in the amount of \$349,999.99 to make improvements at Evelyn Davis 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	3/3/2008 Remove & replace infield soil.	User	\$20,270.00
2	5/7/2008 Replace restroom doors, modify safety tile area, make electrical improvements to restrooms.	Consultant	\$7,975.00
3	1/9/2009 Adjust contract items to as-built quantities. Add fibers, trunc. domes, retaining walls, epoxy paint, reinforced partitions, and drain tile.	User	\$23,263.21
<b>Original Contract Amount</b>			\$349,999.99
<b>Total Change Orders</b>			\$51,508.21
<b>Percent of Change Orders to Original Contract</b>			14.72%
<b>Final Contract Amount</b>			\$401,508.20



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EVELYN K. DAVIS PARK IMPROVEMENTS

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February 23, 2009

**CERTIFICATION OF COMPLETION**

**AGENDA HEADING:**

Accepting completed construction and approving final payment for the Evelyn K. Davis Park Improvements, 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: \$401,508.20 As-Built Contract Cost

Funding Source: 2008-2009 CIP, Page Park-7, Evelyn K. Davis Park Improvements, PKS168, Various Funding, Being: \$130,000 from a Community Attraction and Tourism (CAT) Grant, \$100,000 from Polk County, \$100,000 from Prairie Meadows, \$50,000 from United Way, and \$21,508.20 G.O. Bonds

**CERTIFICATION OF COMPLETION:**

On June 4, 2007, under Roll Call No. 07-1116, 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:

Evelyn K. Davis Park Improvements, 11-2007-014

The improvement includes construction of a restroom addition, Spacenet Climber, shelter, basketball court, sidewalk, earthwork and plantings, all in accordance with the contract documents including Plan File Nos. 473-032/045 at Evelyn K. Davis Park, 1502 Forest Avenue, Des Moines, Iowa

I hereby certify that the construction of said Evelyn K. Davis Park Improvements, Activity ID 11-2007-014, 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 July 16, 2007, and was completed on February 10, 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, 1978, 1981  
2003

I further certify that \$401,508.20 is the total cost of said improvement, of which \$381,432.79 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 \$20,075.41 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

**ESTIMATE OF CONSTRUCTION COMPLETED**  
FOR WORK DONE FROM 1/29/09 TO 2/3/09  
**PARTIAL PAYMENT NO. 6 (FINAL)**

**PROJECT: EVELYN K. DAVIS PARK IMPROVEMENTS**  
**CONTRACTOR: ELDER CORP.**

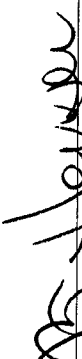
PARTIAL PAYMENT NO. 6 (FINAL)


LINE NO.	DESCRIPTION	UNIT	UNITS			CONSTRUCTED TO DATE	UNIT PRICE	TOTAL AMOUNT
			ESTIMATED	AUTHORIZED				
1	RESTROOM MODIFICATION/ADDITION	JOB	1	1		1.00	\$72,000.00	\$72,000.00
2	SHELTER	JOB	1	1		1.00	\$103,000.00	\$103,000.00
3	SPACENET CLIMBER	JOB	1	1		1.00	\$19,000.00	\$19,000.00
4	BASKETBALL COURT, 6" PCC	SY	280	280		244.44	\$36.50	\$8,922.06
5	BASKETBALL GOAL	EACH	1	1		1.00	\$4,100.00	\$4,100.00
6	SIDEWALK, 4" PCC	SY	440	440		396.00	\$33.50	\$13,266.00
7	SIDEWALK & CURB COMBINATION	SY	130	130		125.70	\$59.50	\$7,479.15
8	GRILL	EACH	4,000	4,000		4.00	\$1,600.00	\$6,400.00
9	PICNIC TABLES	EACH	4,000	4,000		4.00	\$610.00	\$2,440.00
10	PICNIC TABLES - ADA	EACH	2,000	2,000		2.00	\$610.00	\$1,220.00
11	ENGINEERED WOOD FIBERS	CY	200,000	200,000		200.00	\$42.00	\$8,400.00
12	FILTER FABRIC	JOB	1,000	1,000		1.00	\$1,400.00	\$1,400.00
13	B.BALL COURT STRIPING	JOB	1,000	1,000		1.00	\$1,700.00	\$1,700.00
14	BENCH	EACH	6,000	6,000		6.00	\$460.00	\$2,760.00
15	GRADING & EARTHWORK	JOB	1,000	1,000		1.00	\$33,409.99	\$33,409.99
16	POOR SOIL, REM. & REPL.	CY	50,000	50,000		0.00	\$51.00	\$0.00
17	PLANTINGS	JOB	1,000	1,000		1.00	\$13,000.00	\$13,000.00
18	SIDEWALK, 5" PCC	SY	400,000	400,000		332.00	\$34.00	\$11,288.00
19	SHELTER SLAB & FOOTINGS	JOB	1,000	1,000		1.00	\$10,000.00	\$10,000.00
20	SHELTER ELECTRICAL	JOB	1,000	1,000		1.00	\$3,300.00	\$3,300.00
21	CONCRETE REMOVALS	JOB	1,000	1,000		1.00	\$3,200.00	\$3,200.00
22	PROJECT SIGN	EACH	1,000	1,000		1.00	\$830.00	\$830.00
23	RELOCATE SAND	JOB	1,000	1,000		1.00	\$600.00	\$600.00
24	ADDITIONAL TOPSOIL	CY	50,000	50,000		0.00	\$80.50	\$0.00
25	SAFETY TILES, RE-GLUE	JOB	1,000	1,000		1.00	\$330.00	\$330.00
26	FREE-STANDING PANELS	EA	2,000	2,000		2.00	\$1,800.00	\$3,600.00
27	TRASH RECEPTACLES	EA	8,000	8,000		8.00	\$530.00	\$4,240.00
28	TALK-TUBE	JOB	1,000	1,000		1.00	\$2,200.00	\$2,200.00

PROJECT: EVELYN K. DAVIS PARK IMPROVEMENTS  
 CONTRACTOR: ELDER CORP.

PARTIAL PAYMENT NO. 6 (FINAL)

LINE NO.	DESCRIPTION	UNIT	UNITS		CONSTRUCTED TO DATE	UNIT PRICE	TOTAL AMOUNT
			ESTIMATED	AUTHORIZED			
CO 1.01	MOBILIZATION - INFIELD SOIL	LS	1.000	1.000	1.00	\$950.00	\$950.00
CO 1.02	EXPORT SOIL	CY	500.000	500.000	500.00	\$14.00	\$7,000.00
CO 1.03	IMPORT SOIL	CY	500.000	500.000	500.00	\$13.00	\$6,500.00
CO 1.04	FINISH GRADING	LS	1.000	1.000	1.00	\$1,500.00	\$1,500.00
CO 1.05	SODDING	SQ	120.000	120.000	200.00	\$36.00	\$7,200.00
CO 2.01	NEW DOORS	LS	1.000	1.000	1.00	\$2,250.00	\$2,250.00
CO 2.02	SAFETY TILES	LS	1.000	1.000	1.00	\$1,000.00	\$1,000.00
CO 2.03	POWER TO WATER COOLERS	LS	1.000	1.000	1.00	\$550.00	\$550.00
CO 2.04	GFI's FOR BATHROOMS	LS	1.000	1.000	1.00	\$525.00	\$525.00
CO 2.05	FAMILY RESTROOM	LS	1.000	1.000	1.00	\$3,650.00	\$3,650.00
CO3.01	FIBERS, TRUNC. DOMES, RET. WALLS	LS	1.000	1.000	1.00	\$19,802.00	\$19,802.00
CO3.02	EPOXY PAINT, REINFORCED PARTITIONS	LS	1.000	1.000	1.00	\$6,250.00	\$6,250.00
CO3.03	DRAIN TILE	LS	1.000	1.000	1.00	\$6,246.00	\$6,246.00
CO 3	ADJUST CONTRACT ITEM AMOUNTS TO AS-BUILT QUANTITIES						
	TOTAL CONTRACT AMOUNT PLUS CHANGE ORDERS		\$401,508.20				
	PARTIAL PAYMENT NO. 1		\$62,958.39				
	PARTIAL PAYMENT NO. 2		\$132,515.50				
	PARTIAL PAYMENT NO. 3		\$112,929.35				
	PARTIAL PAYMENT NO. 4		\$42,137.45				
	PARTIAL PAYMENT NO. 5		\$30,892.10				
	THIS PARTIAL PAYMENT		\$0.00				
	TOTAL PARTIAL PAYMENTS		\$381,432.79				
	BALANCE		\$20,075.41				
	Percent Complete	100%					
	TOTAL						\$401,508.20
	RETAINAGE						\$20,075.41
	TOTAL LESS RETAINAGE						\$381,432.79
	LESS PREVIOUS PAYMENT						\$381,432.79
	AMOUNT DUE						\$0.00

PREPARED BY: 

CHECKED BY: 

PARTIAL PAYMENT NO. 6 (FINAL)