



**Roll Call Number**

**Agenda Item Number**

12 A

DATE March 26, 2007

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT ON THE SUPPLEMENTAL CONTRACT FOR BLANK PARK ZOO SERVICE BUILDING REMODELING, BROCON SERVICES LLC**

WHEREAS, pursuant to §573.27, Code of Iowa, Brocon Services LLC, Chris Brault, Managing Partner, 6220 NW Beaver Drive, Suite 4, Johnston, IA, 50131, requested that the City approve partial acceptance (more than 95% of the contract work completed) and a supplemental contract for uncompleted work on the project, and

WHEREAS, on December 18, 2006, under Roll Call No. 06-2441, the City Council approved partial acceptance in the amount of \$269,312.80, for contract work on the Blank Park Zoo Service Building Remodeling, 11-2006-010, and approved execution of a Supplemental Contract with Brocon Services LLC, in the amount of \$7,951.68, for the remaining uncompleted work.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF DES MOINES, IOWA: That the attached report of the Jurisdictional Engineer, showing the cost and that Brocon Services LLC, Chris Brault, Managing Partner, 6220 NW Beaver Drive, Suite 4, Johnston, IA, 50131, has satisfactorily completed the supplemental contract work on the Blank Park Zoo Service Building Remodeling, 11-2006-010, in accordance with the contract approved under Roll Call No. 06-2441, of December 18, 2006, between Brocon Services LLC, recommending the acceptance thereof, be and the same is hereby approved, and accepted, and

BE IT FURTHER RESOLVED: That \$7,951.68 is the final construction cost for the supplemental contract, of which \$0.00 has been paid the Contractor, \$7,554.10 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$397.58 is to be paid at the end of thirty days, provided no claims or liens have been filed against said project. 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 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 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.

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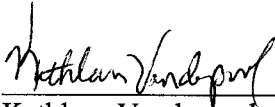
12A

DATE March 26, 2007

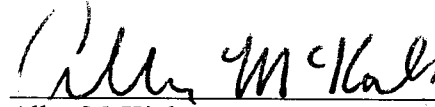
Moved by \_\_\_\_\_ to adopt.

**FORM APPROVED:**

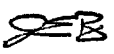
**FUNDS AVAILABLE:**



Kathleen Vanderpool  
Deputy City Attorney



Allen McKinley  
Des Moines Finance Director

 Funding Source: 2006-2007 CIP, Page Park-2, Blank Park Zoo Improvements, PKS013, G. O. Bonds

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

MOTION CARRIED

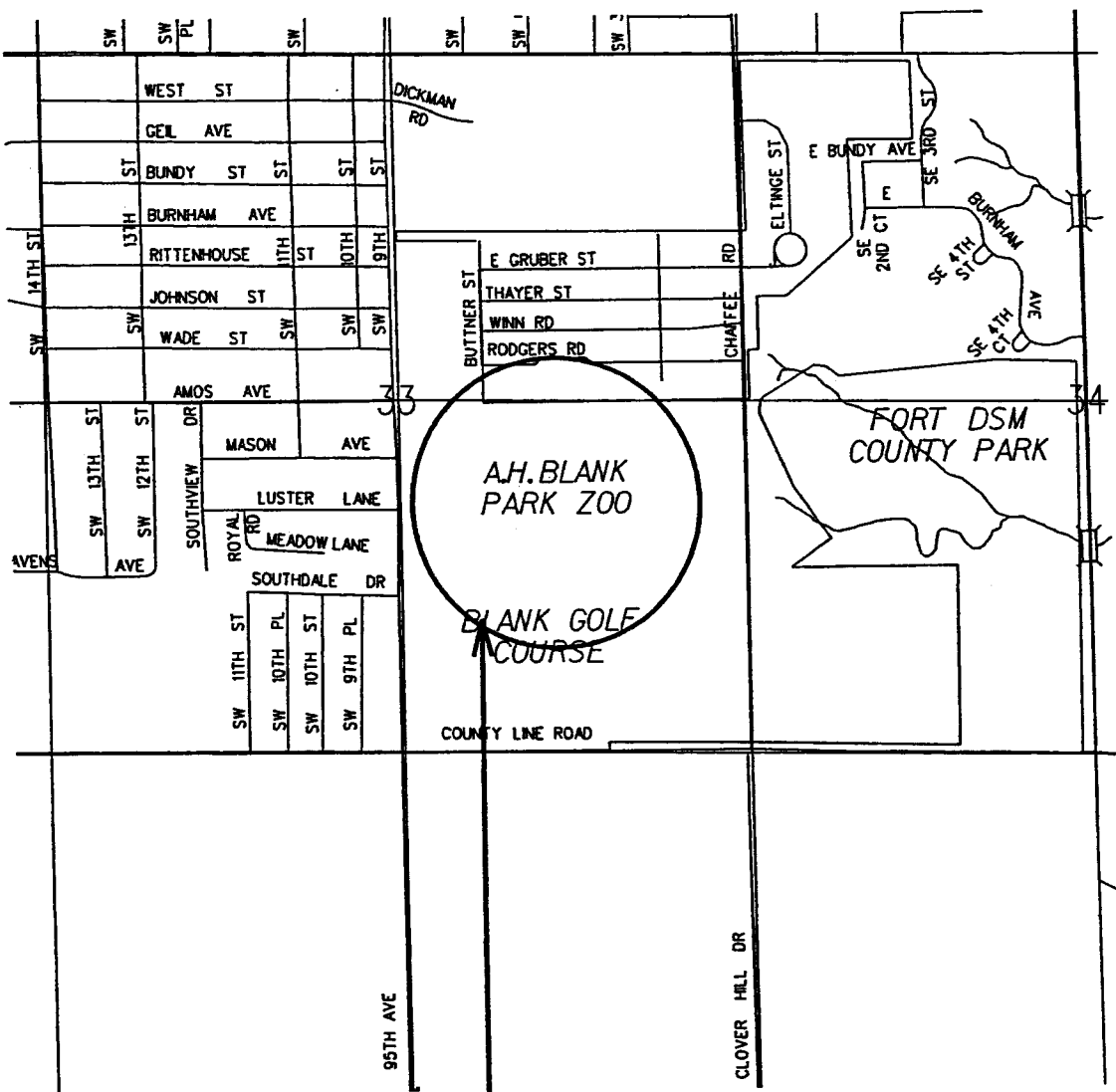
APPROVED

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.

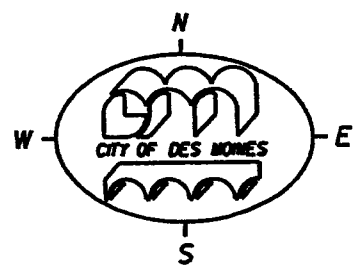
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
Mayor

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



**PROPERTY  
LOCATION**



**BLANK PARK ZOO  
SERVICE BUILDING REMODELING  
ACTIVITY I.D. 11-2006-010**

efile-dates

March 26, 2007

**CERTIFICATION OF COMPLETION ON THE SUPPLEMENTAL CONTRACT**

**AGENDA HEADING:**

Accepting completed construction and approving final payment on the supplemental contract for the Blank Park Zoo Service Building Remodeling, Brocon Services LLC.

**SYNOPSIS:**

Approve the Jurisdictional Engineer's Certification of Completion on the Supplemental Contract, accept construction of said improvement, and authorize final payment to the contractor.

**FISCAL IMPACT:**

Amount: \$269,312.80 As-Built Contract Cost Accepted December 18, 2006, RC No. 06-2441  
\$ 7,951.68 As-Built Contract Cost Supplemental Contract

Funding Source: 2006-2007 CIP, Page Park-2, Blank Park Zoo Improvements, PKS013, G. O. Bonds

**CERTIFICATION OF COMPLETION:**

On May 22, 2006, under Roll Call No. 06-1047, the City Council awarded a contract to Brocon Services LLC, Chris Brault, Managing Partner, 6220 NW Beaver Drive, Suite 4, Johnston, IA 50131 for the construction of the following improvement:

Blank Park Zoo Service Building Remodeling, 11-2006-010

The improvement includes miscellaneous interior and exterior construction including gypsum board walls, doors, frames, electrical, HVAC, masonry, roofing, siding and other related work; in accordance with the contract documents, including Plan File Nos. 456-38/59 at Blank Park Zoo, 7401 SW 9th Street, Des Moines, Iowa.

On December 18, 2006, under Roll Call No. 06-2441, the City Council approved partial acceptance in the amount of \$269,312.80, for contract work on the Blank Park Zoo Service Building Remodeling, 11-2006-010, and approved execution of a Supplemental Contract with Brocon Services LLC, Chris Brault, Managing Partner, 6220 NW Beaver Drive, Suite 4, Johnston, IA, 50131, in the amount of \$7, 951.68, for the remaining uncompleted work.

I hereby certify that the construction of said supplemental contract for the Blank Park Zoo Service Building Remodeling, Activity ID 11-2006-010, has been completed in substantial compliance with the terms of said contract, and I hereby recommend that the work be accepted. The work was completed on March 9, 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

I further certify that \$7,951.68 is the total cost of the supplemental contract for said improvement, of which \$0.00 has been paid the Contractor and \$7,554.10 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$397.58 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". The signature is fluid and cursive, with a small mark at the end.

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