

DATE May 22, 2006

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR 2004-05 PAVING PROGRAM, GRIMES ASPHALT & PAVING CORP.**

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 2004-05 Paving Program, 06-2004-020, in accordance with the contract approved between Grimes Asphalt & Paving Corp., J M Yonker, President, 12021 NW 54th Avenue, Grimes, IA 50111, under Roll Call No. 05-915, of April 11, 2005, 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 \$993,162.25 is the total cost, of which \$940,772.17 has been paid the Contractor, and \$2,731.97 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$49,658.11 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 Assistant City Manager/Finance Director be and is hereby authorized to release said retainage if suit is not filed as above provided.

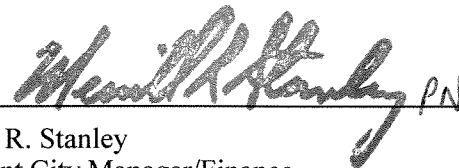
Moved by \_\_\_\_\_ to adopt.

FORM APPROVED:

FUNDS AVAILABLE



Kathleen Vanderpool  
Deputy City Attorney



Merrill R. Stanley  
Assistant City Manager/Finance

Funding Source: 2006-2007 CIP, Page Street-8, City-wide Paving Program - City-wide, STR013, Various Funding, Being: \$819,302.23 in G. O. Bonds and \$173,860.02 in Special Assessments

★ **Roll Call Number**

\_\_\_\_\_

**Agenda Item Number**

12 D

DATE May 22, 2006

*RB*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
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

12D

May 22, 2006

**CERTIFICATION OF COMPLETION**

**AGENDA HEADING:**

Accepting completed construction and approving final payment for the 2004-05 Paving Program, Grimes Asphalt & Paving Corp.

**SYNOPSIS:**

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

**FISCAL IMPACT:**

Funding Source: 2006-2007 CIP, Page Street-8, City-wide Paving Program - City-wide, STR013, Various Funding, Being: \$819,302.23 in G. O. Bonds and \$173,960.02 in Special Assessments.

Amount: \$993,162.25 As-Built Contract Cost

**CERTIFICATION OF COMPLETION:**

On April 11, 2005, under Roll Call No. 05-915, the City Council awarded a contract to Grimes Asphalt & Paving Corp., J M Yonker, President, 12021 NW 54th Avenue, Grimes, IA 50111 for the construction of the following improvement:

2004-05 Paving Program, 06-2004-020

·Street paving twenty (20) feet wide between existing curb and gutter with Portland Cement Concrete six (6) inches thick, or with Hot Mix Asphalt (a.k.a. Asphaltic Cement Concrete) eight (8) inches thick on:

College Avenue paving from 56th Street to Merle Hay Road, Activity ID 06-2004-021, Schedule No. 2004-01;

·Street paving twenty-six (26) feet wide B/B with Portland Cement Concrete six (6) inches thick with integral curb, or with Hot Mix Asphalt (a.k.a. Asphaltic Cement Concrete) eight (8) inches thick with Portland Cement Concrete curb and gutter, together with the necessary drainage facilities on:

Terrace Drive paving from 28th Street to Lincoln Place Drive, Activity ID 06-2004-022, Schedule No. 2004-02;

E. 28th Street paving from south of Dean Avenue to the pavement in place at E. Grand Avenue except the pavement in place at Dean Avenue, Logan Avenue, E. Walnut Street and at Capitol Avenue, Activity ID 06-2004-024, Schedule No. 2004-04;



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

12D

·Alley paving ten (10) feet wide with Portland Cement Concrete six (6) inches thick or with Hot Mix Asphalt (a.k.a. Asphaltic Cement Concrete) eight (8) inches thick on:

Alley between Pennsylvania Avenue and E. 8th Street from Buchanan Street to Fremont Street, Activity ID 06-2004-025, Schedule No. 2004-05;

·Curb and Gutter thirty (30) inches wide of Portland Cement Concrete on each side of:

Urbandale Avenue from Merle Hay Road to the west city limits, except where curb and gutter currently exists, Activity ID 06-2004-023, Schedule No. 2004-03;

North side of E. Market Street from S.E. 24th Court to 370' West, Activity ID 06-2004-026, Schedule No. 2004-06.

I hereby certify that the construction of said 2004-05 Paving Program, Activity ID 06-2004-020, 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 12, 2005, and was completed on May 15, 2006.

I further certify that \$993,162.25 is the total cost of said improvement, of which \$940,772.17 has been paid the Contractor and \$2,731.97 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$49,658.11 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