

DATE July 9, 2007

ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR WESTERN GATEWAY IMPROVEMENTS, LARSON & LARSON CONSTRUCTION LLC

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 Western Gateway Improvements, 04-2004-006, in accordance with the contract approved between Larson & Larson Construction LLC, Jeffrey C. Larson, President, 10703 Justin Drive, Urbandale, IA 50322, under Roll Call No. 05-1060&61, of April 25, 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 \$5,270,941.16 is the total cost, of which \$5,007,276.15 has been paid the Contractor, and \$117.95 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$263,547.06 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.

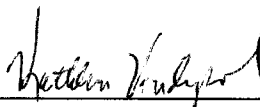
BE IT FURTHER RESOLVED: That the City Manager be and is hereby authorized and directed to certify the Pollution Prevention Plan Inspection Summary and the NPDES Stormwater General Permit Notice of Discontinuation for the above referenced project on behalf of the City of Des Moines and submit said documents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

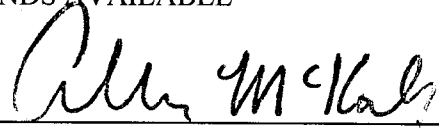
BE IT FURTHER RESOLVED: That the Des Moines Finance Director be and is hereby authorized to release said retainage if suit is not filed as above provided.

Moved by _____ to adopt.

FORM APPROVED:

FUNDS AVAILABLE


Kathleen Vanderpool
Deputy City Attorney


Allen McKinley
Des Moines Finance Director

Funding Source: 2007-2008 CIP, Page Economic Dev-5, Western Gateway Redevelopment, URR027, Various Funding, Being:
Tax Increment Funds

★ Roll Call Number

Agenda Item Number

13B

DATE July 9, 2007

DEB

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

MOTION CARRIED

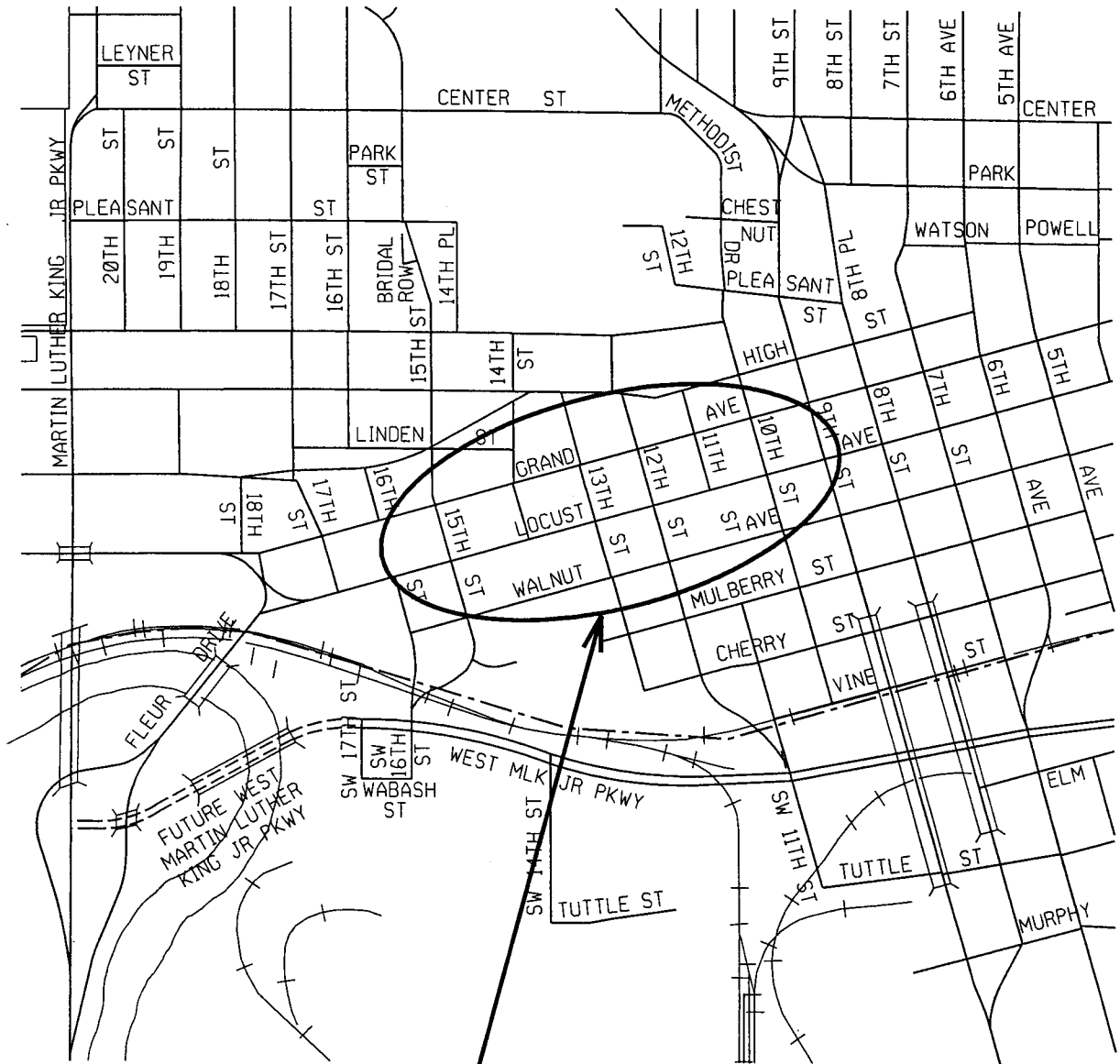
APPROVED

Mayor

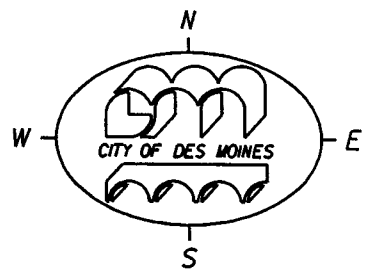
I, Diane Rauh, City Clerk of said City Council, hereby certify that at a meeting of the City Council, held on the above date, among other proceedings the above was adopted.

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

City Clerk



**PROJECT
LOCATION**



**WESTERN GATEWAY IMPROVEMENTS
ACTIVITY I.D. 04-2004-006**

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PROJECT SUMMARY

Western Gateway Improvements

Activity ID 04-2004-006

On April 25, 2005, under Roll Call 05-1060&61, the City Council awarded the contract for the above improvement to Larson & Larson Construction LLC, in the amount of \$4,791,938.00 for construction of a park in a five block area of downtown Des Moines. Work includes sidewalks, lighting, landscaping, a water feature and other related items.

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	9/26/2005 Changes to the runnel due to requirements of State and City regulators. Addition of drinking fountains in blocks 1 and 2.	Regulator	\$90,357.00
2	9/26/2005 Provide sod in lieu of seed.	User	\$44,985.00
3	11/7/2005 Provide extra work at the screen wall related to utility and design issues. Provide additional concrete at the library service drive.	Contractor	\$9,080.00
4	1/23/2006 Changes related to unknown existing underground debris. Remove existing water service and change street stripping to paint.	Engineering	\$82,450.00
5	2/14/2006 Work related to runnels, signage for businesses and protection of trees.	Consultant	\$8,558.00
6	2/27/2006 Change emergency call stations as requested by staff and rebuild existing manhole in poor condition.	User	\$9,998.00
7	3/10/2006 Add decomposed granite, three phase electrical panels and relocate light pole.	Consultant	\$9,308.00

<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
8	3/28/2006 Provide guardrails for the library and traffic signal wiring revisions as requested.	User	\$9,405.00
9	4/11/2006 Remove/replace stone veneer at block one runnel for more commercial appearance.	Consultant	\$9,942.00
10	4/26/2006 Remove and replace existing intake.	Engineering	\$9,203.00
11	5/9/2006 Changes in construction due to design delays and deletion of some concret paving/walks.	Engineering	\$9,835.00
12	5/23/2006 Modify water service in blocks one and two for addition of drinking fountains. Delete rock fill under walks in block three.	User	\$9,784.00
13	6/28/2006 Remove existing concrete foundations. Add trees and a drinking fountain.	Engineering	\$67,437.00
14	7/20/2006 Replace unsuitable soils with asphalt millings under walks along 10th and Grand.	Engineering	\$9,950.00
15	7/28/2006 Changes necessary to meet existing Library construction and City deadlines.	User	\$9,341.00
16	8/15/2006 Replace unsuitable soils w/asphalt millings under walks along 13th & Locust.	Engineering	\$9,960.00
17	8/31/2006 Crane large trees to avoid paving damage. Delete granular fill at block three and provide necessary water meter pits in blocks one and two.	Engineering	\$7,574.00

<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
18	9/28/2006 Miscellaneous changes related to traffic signals, electrical items, irrigation and building department requirements.	Regulator	\$7,647.00
19	11/2/2006 Miscellaneous deletions and additions necessary to adjust final construction.	Consultant	\$9,113.00
20	11/6/2006 Add catch basin and drain line SE of Higher Education Building to improve drainage.	User	\$3,587.00
21	11/14/2006 Adjust height of existing water hydrant and replace existing defective brick storm drain intake,	Engineering	\$9,938.00
22	11/21/2006 Modify electrical enclosures in blocks one and two to satisfy electrical inspector. Delete picnic tables. Add two trees.	Regulator	\$8,168.00
23	12/5/2006 Modify elec enclosures in Blk 3 for Bldg Dept. Delete light pole base covers.	Regulator	\$9,431.00
24	12/12/2006 Revise runnel return and supply structures for function and appearance.	Consultant	\$9,055.00
25	1/3/2007 Rubble removal in the south side of block three.	Contractor	\$9,570.00
26	2/7/2007 Rubble removal in the north side of block three.	Contractor	\$5,503.00
27	Deduct cost of water used prior to 5/17/07 paid by the City	Engineering	(\$175.84)

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<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
	Original Contract Amount		\$4,791,938.00
	Total Change Orders		\$479,003.16
	Percent of Change Orders to Original Contract		10.00%
	Final Contract Amount		\$5,270,941.16 ✓

13 B

July 9, 2007

CERTIFICATION OF COMPLETION

AGENDA HEADING:

Accepting completed construction and approving final payment for the Western Gateway Improvements, Larson & Larson Construction LLC.

SYNOPSIS:

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

FISCAL IMPACT:

Amount: \$5,270,941.16 As-Built Contract Cost

Funding Source: 2007-2008 CIP, Page Economic Dev-5, Western Gateway Redevelopment, URR027, Various Funding, Being:
Tax Increment Funds

CERTIFICATION OF COMPLETION:

On April 25, 2005, under Roll Call No. 05-1060&61, the City Council awarded a contract to Larson & Larson Construction LLC, Jeffrey C. Larson, President, 10703 Justin Drive, Urbandale, IA 50322 for the construction of the following improvement:

Western Gateway Improvements, 04-2004-006

Construction of a park in a five-block area of downtown Des Moines. Work includes: sidewalks, lighting, traffic signal work, irrigation, street pavement, fencing, landscaping, a water feature and other related items; in accordance with the contract documents, including Plan File Nos. 445-01/68 at 10th Street to 15th Street between Locust Street and Grand Avenue, Des Moines, Iowa

I hereby certify that the construction of said Western Gateway Improvements, Activity ID 04-2004-006, 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 June 5, 2005, and was completed on June 18, 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 \$5,270,941.16 is the total cost of said improvement, of which \$5,007,276.15 has been paid the Contractor and \$117.95 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$263,547.06 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, reading "Jeb E. Brewer", enclosed in a square bracket on the right side.

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