

★ Roll Call Number

Agenda Item Number

13 D

Date July 9, 2007

ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR THE M. L. KING JR. PKWY PAVING SW SECOND STREET TO SW SEVENTH STREET, M. PETERSON CONSTRUCTION CO.

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 M. L. King Jr. Pkwy Paving SW Second Street to SW Seventh Street, Activity ID 06-2000-004, Project No. NHSX-U-2787(304)-8S-77 and STP-E-2787(305)-8V-77, in accordance with the contract approved between M. Peterson Construction Co., Merlin Peterson, President, 4000 Delaware Avenue, Des Moines, IA, 50313, under Roll Call No. 00-3243, of July 24, 2000, 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 \$5,699,467.87 is the total cost, of which \$5,668,099.85 has been paid the Contractor, and \$1,368.02 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$30,000.00 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 06-2000-004

Moved by _____ to adopt.

Funds Available:

FORM APPROVED: Kathleen Vanderpool by AD
Kathleen Vanderpool
Deputy City Attorney

Allen McKinley
Allen McKinley
Des Moines Finance Director

★ **Roll Call Number**

Agenda Item Number
130

Date June 9, 2007

Funding Source: 2007-2008 CIP, Page 25, Martin Luther King Jr. Parkway – North/South and East/West Combined, STR039, Being:

\$233,722.66 Local Share:

G.O. Bonds, CIP Index Code 383943 – Martin Luther King Jr. Parkway – East/West Segment – Account 543060 – Fund CP038 – Organization ENG990000 – Project/Grant STR039 – Activity ID 06-2000-004

\$2,600,000:

Funds available from Iowa DOT Revitalize Iowa's Sound Economy (RISE) Program Funds, IDOT Agreement No. 95-R-001, Approved RC No. 95-70, January 1, 1995

\$227,345.21:

Construction cost reimbursement for utility construction, \$165,694.93 Des Moines Water Works and \$61,650.28 Mid American Energy, US West Communications, McLeod Telecommunications and AT&T Cable

\$2,500,000:

Federal STP Funds approved under IDOT Agreement No. 95-STPU-30, Roll Call No. 95-2196, June 5, 1995

\$138,400:

Funds from Federal STP Enhancement Funds approved under IDOT Agreement No. 00-STPE-031, Roll Call No. 00-1036, April 17, 2000

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

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.

 Mayor

 City Clerk

13 D

PROJECT SUMMARY

M L King Paving--SW 2nd St to SW 7th St

Activity ID 06-2000-004

M L King Jr. Parkway Paving--SW 2nd St. to SW 7th St.

Activity ID: 06-2000-004

On July 24, 2000, under Roll Call 00-3243, the City Council awarded the contract for the above improvement to M. Peterson Construction Co. in the amount of \$5,586,729.32. This project consist of Portland Cement Concrete Pavement 260 MM (10 inches) thick, with various width pavement and median; together with the necessary sidewalk, driveway, storm sewer, traffic signals, street lighting, water main construction, intersection enhancements, landscaping including an irrigation system, and construction survey; all in accordance with the contract documents including Plan File Nos. 382-001/252, on Martin Luther King Jr. Parkway from SW 2nd Street to SW 7th Street.

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	10/6/2000 This change order covers the removal, disposal, soil sampling, ground water sampling , and necessary reports associated with the abandonment of a 2000 gallon underground fuel storage tank discovered in conflict with the proposed main line pavement.	Engineering	\$9,966.00
2	10/6/2000 This change order covers the removal and disposal of buried footings of unknown origin which were found to be in conflict with the proposed mainline M L King Jr. pavement.	Engineering	\$9,016.82
3	10/31/2000 This change order covers the removal and disposal of buried footings of unkown origin which were found to be in conflict with the proposed mainline M. L. King Jr. Parkway Paving.	Engineering	\$9,736.23
4	11/15/2000 This change order covers the labor and materials necessary to install a 200mm (8 inch) water main in S.W. 5th Street from Elm Street to north of Market Street. Des Moines Water Works will make 100% reimbursement for these expenses.	Engineering	\$62,405.00

<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
5	11/16/2000 This change order deletes 135.361M2 of PCC Pavement. The curb and gutter section of main line M.L. King Jr. Parkway Paving from SW 7th Street to SW 5th Street has changed from the proposed 1.2M in width to 0.94M. This change order also adds the removal and disposal of buried footings of unknown origin which were found to be in conflict with the proposed mainline M.L. King Jr. Parkway Paving.	Engineering	(\$2,058.25)
6	1/25/2001 This change order along with change order # 4 covers the installation of a 200mm (8 in.) water main in S.W. 5th Street. Also included is a temporary rock drive to Paper Systems Inc. Also included is 4 traffic signs to be used to notify traffic in advance when streets will be closed due to construction.	Engineering	(\$1,290.07)
7	3/27/2001 Underground storage tank closure testing and report.	Engineering	\$2,192.08
8	7/6/2001 Increase sidewalk depth from 100mm (4 in) to 125mm (5 in); Restrip pavement markings during SW 3rd water main construction; Replace PCC curb & gutter damaged during Sec Taylor storm sewer construction	Engineering	(\$313.96)
9	7/10/2001 Change conduit from schedule 40 HDPE pipe to schedule 40 PVC pipe; Modify utility duct installation at 30 inch water main from casing pipe to open-cut; Shorten utility duct to prevent encroachment on the SW 2nd St levee.	Engineering	(\$24,277.13)
10	7/10/2001 Substitute painted pavement markings for tape markings; Curb removal for ADA requirements; construct intakes instead of manholes; add temp. rock surface.	Engineering	\$9,257.08

<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
11	8/6/2001 Modify PCC Pavement Section to lessen the impact to the archeologically sensitive area and decrease potential of encountering human remains.	Engineering	\$28,314.00
12	8/17/2001 Repair leak on 30" water main. Due to conflicts, substitute special Intake for Type M-I Intake. Delete duplicated ground wires in traffic signals. Add Type "A" street sign material due to changes in legend. Add traffic control signage instead of two proposed water main relocations. Remove railroad ties abandoned by the Union Pacific RR Company.	Engineering	\$1,562.26
13	8/21/2001 Substitute PCC for some ACC temporary street patches as asphalt is not always timely. Eliminate sanitary manhole in conflict with proposed MLK curb. Abandon unused live water service unearthed while installing the irrigation meter pit.	Engineering	\$2,830.00
14	11/5/2001 To comply with National Electrical Code and IDOT Specifications, the electrical distribution system in SW 3rd Street must be converted from above ground to below ground including revised transformer pad, conduit, electrical connections, and coordination.	Engineering	\$16,527.50
15	2/5/2002 Remove railroad ties abandoned by the Union Pacific RR Company. Extra foundation work is necessary where unstable soil was discovered at the location of the Pier Footings. The specified Valve Housing Box was too small and had to be replaced with a larger box. Several rubble piles of unknown origin had to be removed from the construction site.	Engineering	\$5,233.36

<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
16	1/28/2002 Exchange the proposed hybrid fiber optic composite cable with two separate fiber optic cables. Also exchange the proposed fiber splice enclosures and pigtails for multi-port fiber boxes, connectors, and jumpers. These switches in fiber optic cable and connection hardware is necessary to ensure that the current MLK project will be compatible with all future projects.	Engineering	\$19,421.45
17	2/21/2002 Des Moines Asphalt is not always available when needed, therefore PCC is being substituted for some of the ACC temporary street patches. At various times this fall during the construction of the PCC Pavement, Driveways, and Sidewalks of SW 3rd Street and SW 5th Street, cold weather protection had to added to these concrete slabs to keep them from freezing.	Engineering	\$9,506.68
18	2/26/2002 PCC is being substituted for some of the ACC temporary street patches. Removal and disposal of buried footings of unknown origin. Extra full depth PCC sawcutting. The entire intersection of SW 3rd Street and Market Street is being reconstructed, therefore adding additional stages to the construction process. An area of unsuitable subgrade must be repaired at SW 3rd Street and MLK.	Engineering	\$9,957.22
19	4/10/2002 These change order items are necessary because the project construction limits have been extended at the intersections of SW 3rd and Market and SW 5th and Market, as well as the driveway to 405 SW 5th off of SW 3rd Street.	Engineering	\$8,618.33
20	4/22/2002 Additional Storm sewer pipe was necessary because the construction limits were extended. Also, a temporary driveway must be constructed to maintain access to one of the loading docks to 100 Market Street at all times.	Engineering	\$9,950.17

<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
21	5/14/2002 PCC cold weather protection, railroad tie removal, install 100mm conduit across SW 2nd St, remove of misc footings, remove and replace intake boxout and curb drop.	Engineering	\$7,540.98
22	1/24/2003 This change order covers: 1) Installation of 100mm PVC conduit under SW 2nd Street. 2) Add wattage stickers on the bottom side of all street light fixtures. 3) Prepare the black street light fixtures for return shipping to the manufacturer. 4) Construct a spread footing for the traffic signal pole located at SW 5th and MLK. 5) Remove and reinstall the electrical service to the MTA bus shelter.	Engineering	\$7,063.63
23	3/14/2003 This change order covers: 1) Construct a spread footing for the traffic signal pole base, located at the intersection of SW 5th and MLK, to correct a conflict between the signal pole base and the proposed storm sewer pipe. 2) Construct an RCP area intake and PVC sewer pipe, at the northeast corner of SW 11th Street and MLK, to correct a poor drainage condition.	Engineering	\$9,660.20
24	3/21/2003 This change order covers: 1) The expense of providing traffic control equipment during the period of the contract time extension allowed on this project. 2) Labor, material, and equipment necessary to repair an existing rock driveway/parking lot disturbed during construction.	Engineering	\$9,725.16
25	8/13/2003 1) Installation of 100mm PVC conduit under MLK at SW 2nd. 2) Labor to assemble city-provided equipment. 3) Readjust final elevation of electrical junction handhole. 4) Labor to replace faulty city provided street lamps. 5) Labor to trouble shot the traffic signal soft ware.	Engineering	\$3,705.78
26	11/14/2003 This change order includes: 1) Elimination of the Special Backfill Material under part of the MLK mainline pavement. 2) Upgrading the pavement marking tape. 3) Changing all of the pavement marking symbols from paint to tape.	Engineering	\$9,197.77

<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
27	3/22/2004 This change order includes: 1) Removal and disposal of a pile of broken concrete, RR ties, and misc. debris generated during general construction activities. 2) Removal and disposal of the misc. debris generated while installing the lawn irrigation system. 3) This deduction is to compensate the city for accepting smaller trees than specified in the contract.	Engineering	(\$837.00)
28	4/27/2006 Delete unused quantity "Special Backfill Material" and "Special Compaction of Subgrade". Add "Incentive for PCC Pavement Thickness" per IDOT specs.	Engineering	(\$13.51)
30	5/30/2007 This change order adjust all plan quantities to match as-built quantities.	Engineering	(\$116,852.23)
29	5/30/2007 Delete the unused quantity of "Special Backfill Material" and "Permanent Pavement Marking Tape, Upgrade". Add the "Incentive for PCC Pavement Smoothness" per IDOT specifications.	Engineering	(\$3,007.00)
Original Contract Amount			\$5,586,729.32 ✓
Total Change Orders			\$112,738.55 ✓
Percent of Change Orders to Original Contract			2.02%
Final Contract Amount			\$5,699,467.87 ✓

July 9, 2007

CERTIFICATION OF COMPLETION

AGENDA HEADING:

Accepting completed construction and approving final payment for the M. L. King Jr. Parkway Paving SW Second Street to SW Seventh Street, M. Peterson Construction Co.

SYNOPSIS:

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

FISCAL IMPACT:

Amount: \$5,699,467.87 As-Built Contract Cost

Funding Source: 2007-2008 CIP, Page 25, Martin Luther King Jr. Parkway – North/South and East/West Combined, STR039, Being:

\$233,722.66 Local Share:

G.O. Bonds, CIP Index Code 383943 – Martin Luther King Jr. Parkway – East/West Segment – Account 543060 – Fund CP038 – Organization ENG990000 – Project/Grant STR039 – Activity ID 06-2000-004

\$2,600,000:

Funds available from Iowa DOT Revitalize Iowa’s Sound Economy (RISE) Program Funds, IDOT Agreement no. 95-R-001, Approved RC No. 95-70, January 1, 1995

\$227,345.21:

Construction cost reimbursement for utility construction, \$165,694.93 Des Moines Water Works and \$61,650.28 Mid American Energy, US West Communications, McLeod Telecommunications and AT&T Cable

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Federal STP Funds approved under IDOT Agreement No. 95-STPU-30, Roll Call No. 95-2196, June 5, 1995

\$138,400:

Funds from Federal STP Enhancement Funds approved under IDOT Agreement No. 00-STPE-031, Roll Call No. 00-1036, April 17, 2000



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

CERTIFICATION OF COMPLETION:

On July 24, 2000, under Roll Call No. 00-3243, the Des Moines City Council awarded a contract to M. Peterson Construction Co., Merlin Peterson, President, 4000 Delaware Avenue, Des Moines, IA 50313 for the construction of the following improvement:

M. L. King Jr. Parkway Paving SW Second Street to SW Seventh Street, 06-2000-004
Construction of a Portland cement concrete pavement 260MM (10 inches) thick, with various width pavement and median; together with the necessary sidewalk, driveway, storm sewer, traffic signals, street lighting, water main construction, intersection enhancements, landscaping including an irrigation system, and construction survey; all in accordance with the contract documents including Plan File Nos. 382-001/252, on Martin Luther King Jr. Parkway from SW Second Street to SW Seventh Street.

I hereby certify that the construction of said M. L. King Jr. Parkway Paving SW Second Street to SW Seventh Street, 06-2000-004, 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 31, 2000 and was completed on July 2, 2007.

I further certify that \$5,699,467.87 is the total cost of said improvement, of which \$5,668,099.85 has been paid the Contractor and \$1,368.02 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$30,000.00 is to be paid at the end of thirty days, provided no claims or liens have been filed against said contract, and provided that a release of this payment has been approved by the Iowa Department of Transportation through the Department of Engineering for the City of Des Moines, Iowa. Said Engineering Department shall not release this payment until all project audits have been completed, and any monetary penalties resulting from audit deficiencies shall be deducted from said balance of \$30,000.00 before being released to the Contractor. 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 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