

Date July 10, 2006

ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR THE CLOSES CREEK - NEIROB COURT STORM WATER IMPROVEMENTS, THE UNDERGROUND COMPANY, LTD.

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 Closes Creek - Neurob Court Storm Water Improvements, Activity ID 08-2004-002, in accordance with the contract approved between The Underground Company, Ltd., Duane Burkhardt, President, 2407 SW 9th Street, Des Moines, IA, 50315, under Roll Call No. 04-1246, of June 7, 2004, 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 \$1,065,424.40 is the total cost, of which \$1,011,186.55 has been paid the Contractor, and \$966.63 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$53,271.22 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.

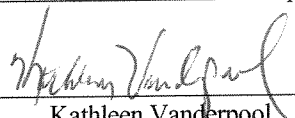
BE IT FURTHER RESOLVED: That the Finance Department be and is hereby authorized to release said retainage if suit is not filed as above provided.

Activity ID 08-2004-002

Moved by _____ to adopt.

Funds Available:

FORM APPROVED:


Kathleen Vanderpool
Deputy City Attorney


Allen McKinley
Acting Finance Director

Funding: 2006-2007 CIP, Page Storm-7, Closes Creek Watershed Improvements, STE068, Storm Water Utility Funds



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

MOTION CARRIED APPROVED

Mayor

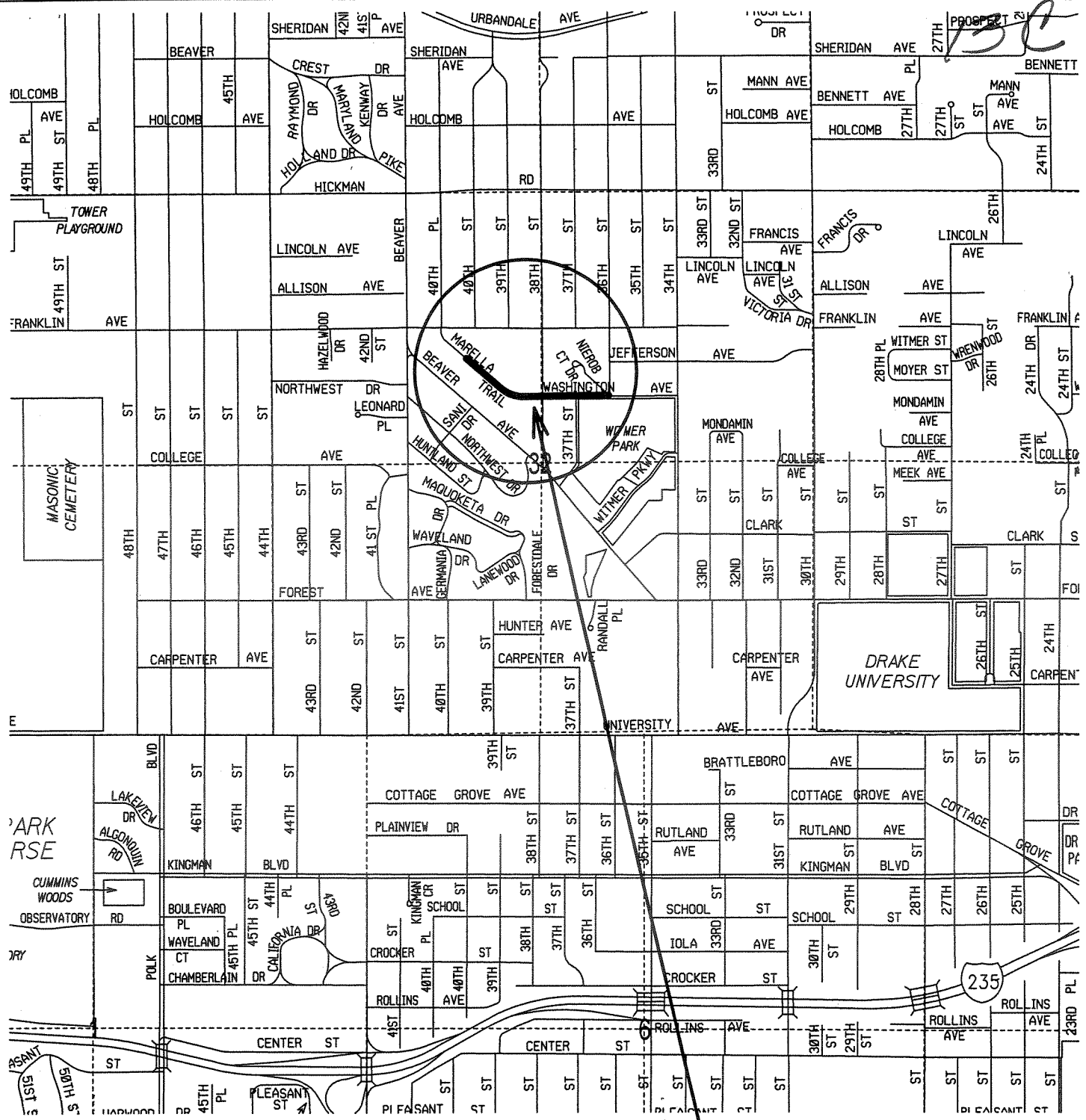
CERTIFICATE

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.

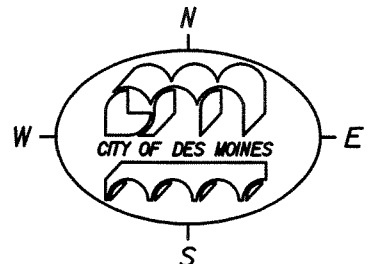
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

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**PROJECT
LOCATION**



**CLOSES CREEK-NEIROB COURT
STORM WATER IMPROVEMENTS
ACTIVITY I.D. 08-2004-002**

PROJECT SUMMARY

Closes Creek-Nierob Court Storm Water

Activity ID 08-2004-002

On June 7, 2004, under Roll Call No. 04-1246, the City Council awarded the contract for the above improvements to The Underground Co. Ltd., in the amount of \$1,208,386.00 to furnish all labor, equipment and materials necessary to construct storm water improvements including excavation, RCP storm sewer, relocation of water mains, pavement and sidewalk removal and replacement, survey, site restoration and traffic control all in accordance with the contract documents including Plan File Nos. 439-089/123 at:

Washington Avenue and Nierob Court Drive westerly to Mae Ella Trail, Des Moines, Iowa.

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	11/23/2004 Install Type "B" & "C" Castings.	Engineering	\$6,899.00
2	Adjust contract to as-built quantities.	Consultant	(\$149,860.60)
Original Contract Amount			\$1,208,386.00
Total Change Orders			(\$142,961.60)
Percent of Change Orders to Original Contract			-11.83%
Final Contract Amount			\$1,065,424.40

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July 10, 2006

CERTIFICATION OF COMPLETION

AGENDA HEADING:

Accepting completed construction and approving final payment for the Closes Creek – Neurob Court Storm Water Improvements, The Underground Company, Ltd.

SYNOPSIS:

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

FISCAL IMPACT:

Amount: \$1,065,424.40 As-Built Contract Cost

Funding Source: 2006-2007 CIP, Page Storm-7, Closes Creek Watershed Improvements, STE068, Storm Water Utility Funds

CERTIFICATION OF COMPLETION:

On June 7, 2004, under Roll Call No. 04-1246, the City Council awarded a contract to The Underground Company, Ltd., Duane Burkhardt, President, 12245 Dakota Street, Carlisle, Iowa, 50047, for the construction of the following improvement:

Closes Creek – Neurob Court Storm Water Improvements, 08-2004-002

Furnish all labor, equipment and materials necessary to construct storm water improvements including excavation, RCP storm sewer, relocation of water mains, pavement and sidewalk removal and replacement, survey, site restoration and traffic control all in accordance with the contract documents, including Plan File Nos. 439 – 089/123 at Washington Avenue and Neurob Court Drive westerly to Mae Ella Trail, Des Moines, Iowa

I hereby certify that the construction of said Closes Creek – Neurob Court Storm Water Improvements, 08-2004-002, 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 7, 2004, and was completed on June 19, 2006.



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 \$1,065,424.40 is the total cost of said improvement, of which \$1,011,186.55 has been paid the Contractor and \$966.63 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$53,271.22 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 that reads "Jeb E. Brewer". The signature is written in a cursive style with a small mark at the end.

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