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DATE July 10, 2006

ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT

FOR 38TH STREET AND DOUGLAS AVENUE TRAFFIC SIGNALS, THE WALDINGER CORPORATION

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 38th Street and Douglas Avenue Traffic Signals, 04-2005-010, in accordance with the contract approved between The Waldinger Corporation, Tom Koehn, President, 2601 Bell Avenue, Des Moines, IA 50321, under Roll Call No. 05-1330, of May 23, 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 \$116,843.50 is the total cost, of which \$108,419.70 has been paid the Contractor, and \$2,581.62 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$5,842.18 is to be paid at the end of thirty days, provided no claims or liens have been filed against said project, 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 complete, and any monetary penalties resulting from audit deficiencies shall be deducted from said balance of \$5,842.18 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 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.

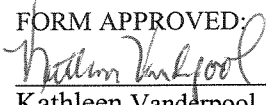
BE IT FURTHER RESOLVED: That the Mayor and is hereby authorized and directed to sign the Iowa Department of Transportation Certificate of Completion and Final Acceptance of Agreement Work.

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 Acting Des Moines Finance Director be and is hereby authorized to release said retainage if suit is not filed as above provided.

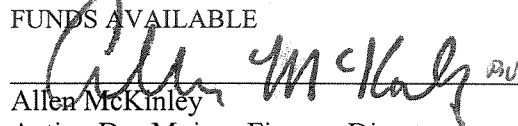
Moved by _____ to adopt.

FORM APPROVED:



Kathleen Vanderpool
Deputy City Attorney

FUNDS AVAILABLE



Allen McKinley
Acting Des Moines Finance Director

Funding Source: 2006-2007 CIP, Page Traffic Control-5, City-wide Signals, Channelization, and School Crossing Protection Program, TFC091, Other, Being: Iowa DOT Traffic Safety Funds (TSF) for 100% of construction costs only with a maximum of \$150,000

CS-TSF-1945(691)--85-77

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

PROJECT LOCATION

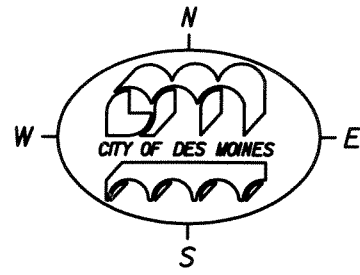
US VETERANS ADMINISTRATION HOSPITAL

ASHBY PARK

BEVERDALE PARK

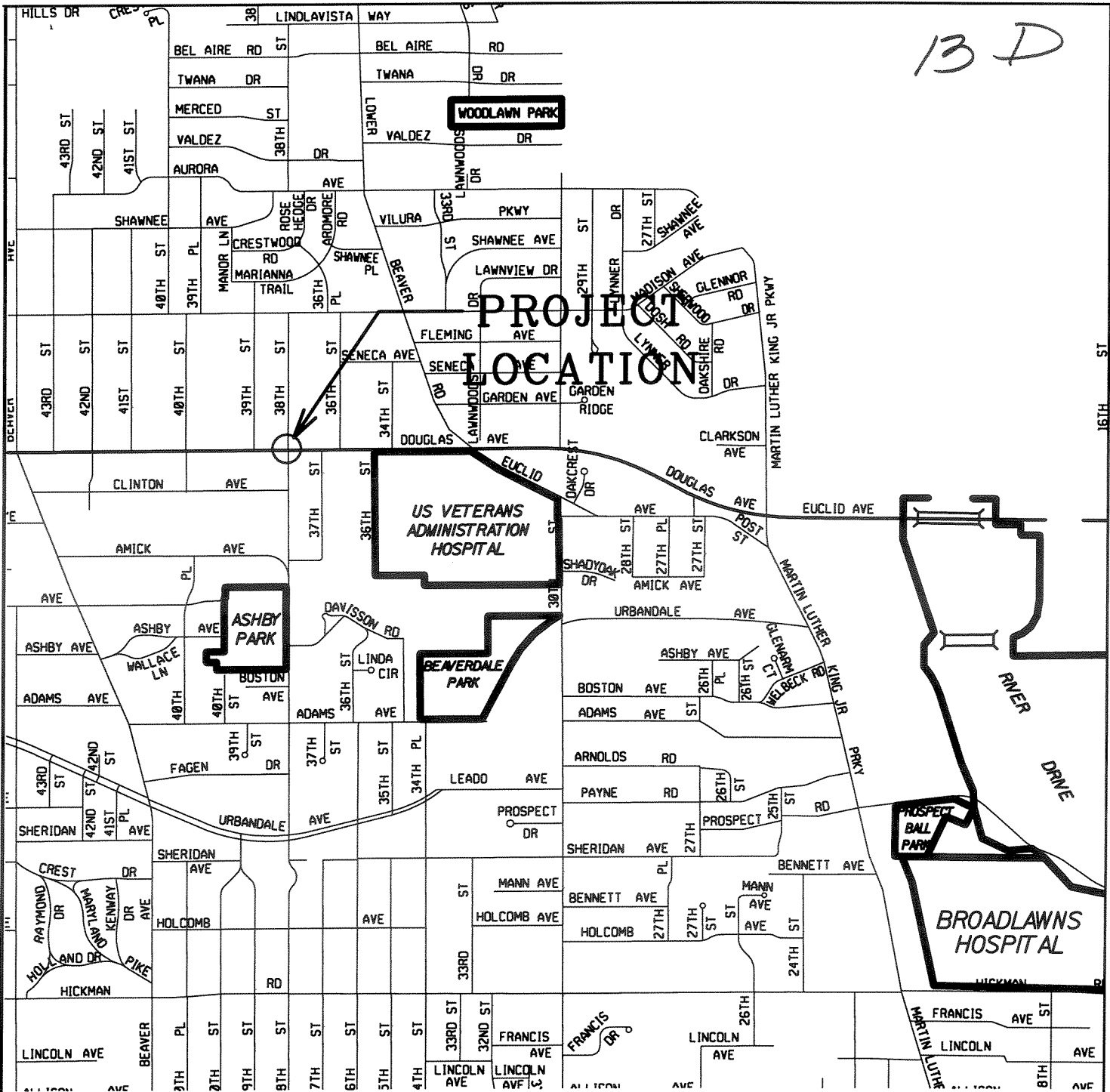
PROSPECT BALL PARK

BROADLAWNS HOSPITAL



38TH STREET AND DOUGLAS AVENUE TRAFFIC SIGNALS ACTIVITY I.D. 04-2005-010

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PROJECT SUMMARY

38th St. and Douglas Ave. Traffic Signal

Activity ID 04-2005-010

On May 23, 2005, under Roll Call No. 05-1330, the City Council awarded the contract for the above improvements to The Waldinger Corporation., in the amount of \$114,126.00 to install traffic signals at 38th Street and Douglas Avenue.

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	3/20/2006 Upgrade 336S cabinet to 332 cabinet to accommodate fiber optic and camera equipment. Install sidewalk and handicapped ramps.	Engineering	\$2,717.50
Original Contract Amount			\$114,126.00
Total Change Orders			\$2,717.50
Percent of Change Orders to Original Contract			2.38%
Final Contract Amount			\$116,843.50

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July 10, 2006

CERTIFICATION OF COMPLETION

AGENDA HEADING:

Accepting completed construction and approving final payment for the 38th Street and Douglas Avenue Traffic Signals, The Waldinger Corporation.

SYNOPSIS:

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

FISCAL IMPACT:

Amount: \$116,843.50 As-Built Contract Cost

Funding Source: 2006-2007 CIP, Page Traffic Control-5, City-wide Signals, Channelization, and School Crossing Protection Program, TFC091, Other, Being: Iowa DOT Traffic Safety Funds (TSF) for 100% of construction costs only with a maximum of \$150,000

CERTIFICATION OF COMPLETION:

On May 23, 2005, under Roll Call No. 05-1330, the City Council awarded a contract to The Waldinger Corporation, Tom Koehn, President, 2601 Bell Avenue, Des Moines, IA 50321 for the construction of the following improvement:

38th Street and Douglas Avenue Traffic Signals, 04-2005-010

The purchase and installation of materials for new traffic signals; all in accordance with the contract documents, including Plan File Nos. 452-033/038 at 38th Street and Douglas Avenue, Des Moines, Iowa

I hereby certify that the construction of said 38th Street and Douglas Avenue Traffic Signals, Activity ID 04-2005-010, 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 August 30, 2005, and was completed on June 15, 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 \$116,843.50 is the total cost of said improvement, of which \$108,419.70 has been paid the Contractor and \$2,581.62 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$5,842.18 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, P.E." with a small flourish at the end.

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