

DATE July 13, 2009

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT  
ON THE SUPPLEMENTAL CONTRACT FOR POLICE STATION EMERGENCY GENERATOR,  
STROH CORPORATION**

WHEREAS, pursuant to §573.27, Code of Iowa, Stroh Corporation, Patrick J. Miller, President/CEO, 5000 Park Avenue, Des Moines, IA 50321, requested that the City of Des Moines approve partial acceptance (more than 95% of the contract work completed) and a supplemental contract for uncompleted work on the project, and

WHEREAS, on February 23, 2009, under Roll Call No. 09-264, the City Council approved partial acceptance in the amount of \$635,982.41, for contract work on the Police Station Emergency Generator, 04-2007-015, and approved execution of a Supplemental Contract with Stroh Corporation, in the amount of \$10,379.00, for the remaining uncompleted work.

NOW THEREFORE, 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 and that Stroh Corporation, Patrick J. Miller, President/CEO, 5000 Park Avenue, Des Moines, IA 50321, has satisfactorily completed the supplemental contract work on the Police Station Emergency Generator, 04-2007-015, in accordance with the contract approved under Roll Call No. 09-264, of February 23, 2009, between Stroh Corporation, 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 \$10,850.00 is the final construction cost for the supplemental contract, of which \$9,860.05 has been paid the Contractor, and \$447.45 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$542.50 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 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 of Des Moines will be required to release the retainage which it is now holding.

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.

★ **Roll Call Number**

Agenda Item Number

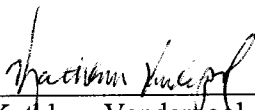
12A


DATE July 13, 2009


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

FORM APPROVED:

FUNDS AVAILABLE:

  
 \_\_\_\_\_  
 Kathleen Vanderpool  
 Deputy City Attorney

  
 \_\_\_\_\_ BB  
 Allen McKinley  
 Des Moines Finance Director

 Funding Source: 2009-2010 CIP, Page Building-18, Police Station Remodeling, BLD062, G. O. Bonds

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

MOTION CARRIED APPROVED

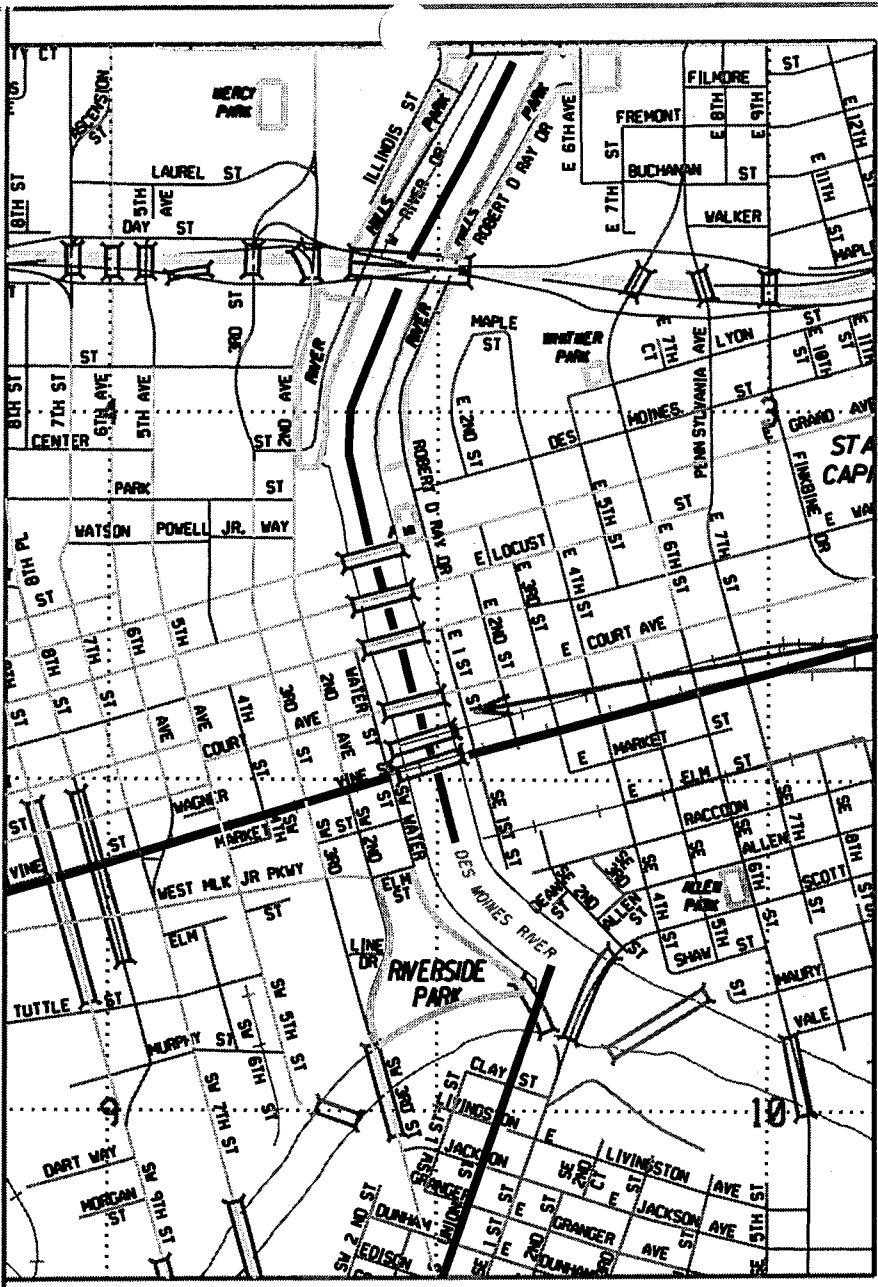
\_\_\_\_\_  
 Mayor

**CERTIFICATE**

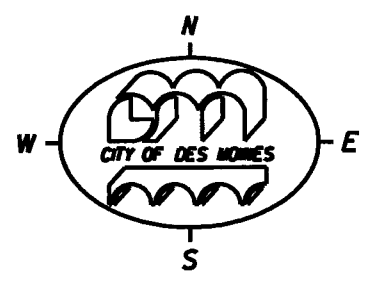
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

\_\_\_\_\_  
 City Clerk



PROJECT  
LOCATION



POLICE STATION  
 EMERGENCY GENERATOR  
 ACTIVITY I.D. 04-2007-015

#file-date

# PROJECT SUMMARY

## Police Station Emergency Generator Repla Activity ID 04-2007-015

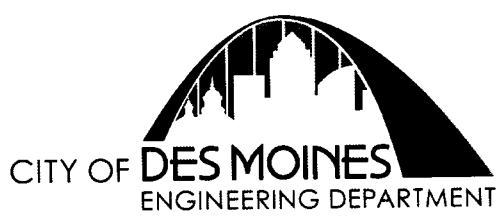
On December 17, 2007 under Roll Call No. 07-2420, the City Council awarded the contract for the above improvement to Stroh Corporation, Inc., in the amount of \$441,000.00 for the replacement of the emergency generator and main switchgear at the Police Station.

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	7/28/2008 Move generator farther east to reduce noise into the dispatch room.	User	\$68,740.00
2	7/28/2008 replace existing transformer pad per MidAmerican Energy requirements.	Regulator	\$31,759.00
3	11/18/2008 Replace stone at top landing with concrete coated with overlay system.	User	\$20,536.60
4	11/24/2008 Add drip pans over switch gear. Wider door into electrical room. Remove & replace existing subgrade under transformer. Two annunciators added.	User	\$24,796.00
5	12/5/2008 Waterproofing needed under concrete at west landing. Stone landing & steps at NE corner of building replaced with concrete & overlay system.	User	\$23,691.62
6	12/15/2008 Prep asphalt for Public Works. Provide fuel heater for generator day tank. Door closers added to access panels. Additional curb & gutter around transformer.	User	\$23,396.24

<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
7	12/17/2008 Weather protection & heat needed for coating installation.	Contractor	\$2,062.95
8	2/10/2009 Add door, frame, transom, sidelight and hardware to west vestibule	User	\$10,379.00
9	6/26/2009 Additional hardware and labor to install cylinders.	User	\$471.00
<b>Original Contract Amount</b>			\$441,000.00
<b>Total Change Orders</b>			\$205,832.41
<b>Percent of Change Orders to Original Contract</b>			46.67%
<b>Final Contract Amount</b>			\$646,832.41

July 13, 2009



**CERTIFICATION OF COMPLETION**

**AGENDA HEADING:**

Accepting completed construction and approving final payment on the supplemental contract for the Police Station Emergency Generator, Stroh Corporation.

**SYNOPSIS:**

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

**FISCAL IMPACT:**

Amount: \$635,982.41 As-Built Contract Cost Accepted February 23, 2009, Roll Call No. 09-264  
\$10,850.00 As-Built Contract Cost Supplemental Contract

Funding Source: 2009-2010 CIP, Page Building-18, Police Station Remodeling, BLD062, G. O. Bonds

**CERTIFICATION OF COMPLETION:**

On December 17, 2007, under Roll Call No. 07-2421, the City Council awarded a contract to Stroh Corporation, Patrick J. Miller, President/CEO, 5000 Park Avenue, Des Moines, IA 50321 for the construction of the following improvement:

Police Station Emergency Generator, 04-2007-015

The improvement includes replacement of the existing emergency generator and main electrical distribution panel in the Police Station at 25 East First Street, Des Moines, Iowa.

On February 23, 2009, under Roll Call No. 09-264, the City Council approved partial acceptance in the amount of \$635,982.41, for contract work on the Police Station Emergency Generator, 04-2007-015, and approved execution of a Supplemental Contract with Stroh Corporation, Patrick J. Miller, President/CEO, 5000 Park Avenue, Des Moines, IA 50321, in the amount of \$10,379.00 for the remaining uncompleted work.

I hereby certify that the construction of said supplemental contract for the Police Station Emergency Generator, Activity ID 04-2007-015, has been completed in substantial compliance with the terms of said contract, and I hereby recommend that the work be accepted. The work was completed on July 7, 2009.

I further certify that \$10,850.00 is the total cost of the supplemental contract for said improvement, of which \$9,860.05 has been paid the Contractor and \$447.45 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$542.50 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