

DATE July 13, 2009

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR CLOSES CREEK WATERSHED - 26TH STREET DETENTION AND STORM IMPROVEMENTS, ELDER 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 Closes Creek Watershed - 26th Street Detention and Storm Improvements, 08-2005-007, in accordance with the contract approved between Elder Corporation, Jared R. Elder II, President, 5088 E. University Avenue, Des Moines, IA 50327, under Roll Call No. 06-563, of March 20, 2006, 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 \$2,689,065.77 is the total cost, of which \$2,554,612.48 has been paid the Contractor, and \$0.00 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$134,453.92 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.

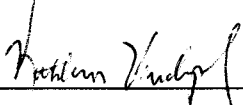
BE IT FURTHER RESOLVED: That the Engineering Department be and is hereby authorized and directed to notify all persons and firms with outstanding Chapter 573 claims against said project, that the project has been given final acceptance as completed by this City Council, that they have 60 days from such 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:

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

FUNDS AVAILABLE

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

★ **Roll Call Number**

**Agenda Item Number**

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DATE July 13, 2009

Funding Source: 2009-20010 CIP, Page Storm-5, Closes Creek Watershed Improvements, STE068, Storm Water Utility Funds

*REB*

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

MOTION CARRIED

APPROVED

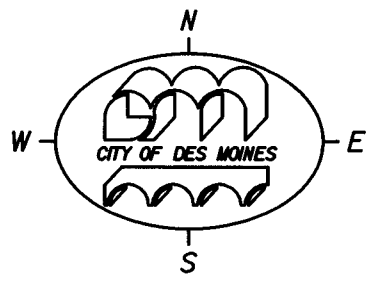
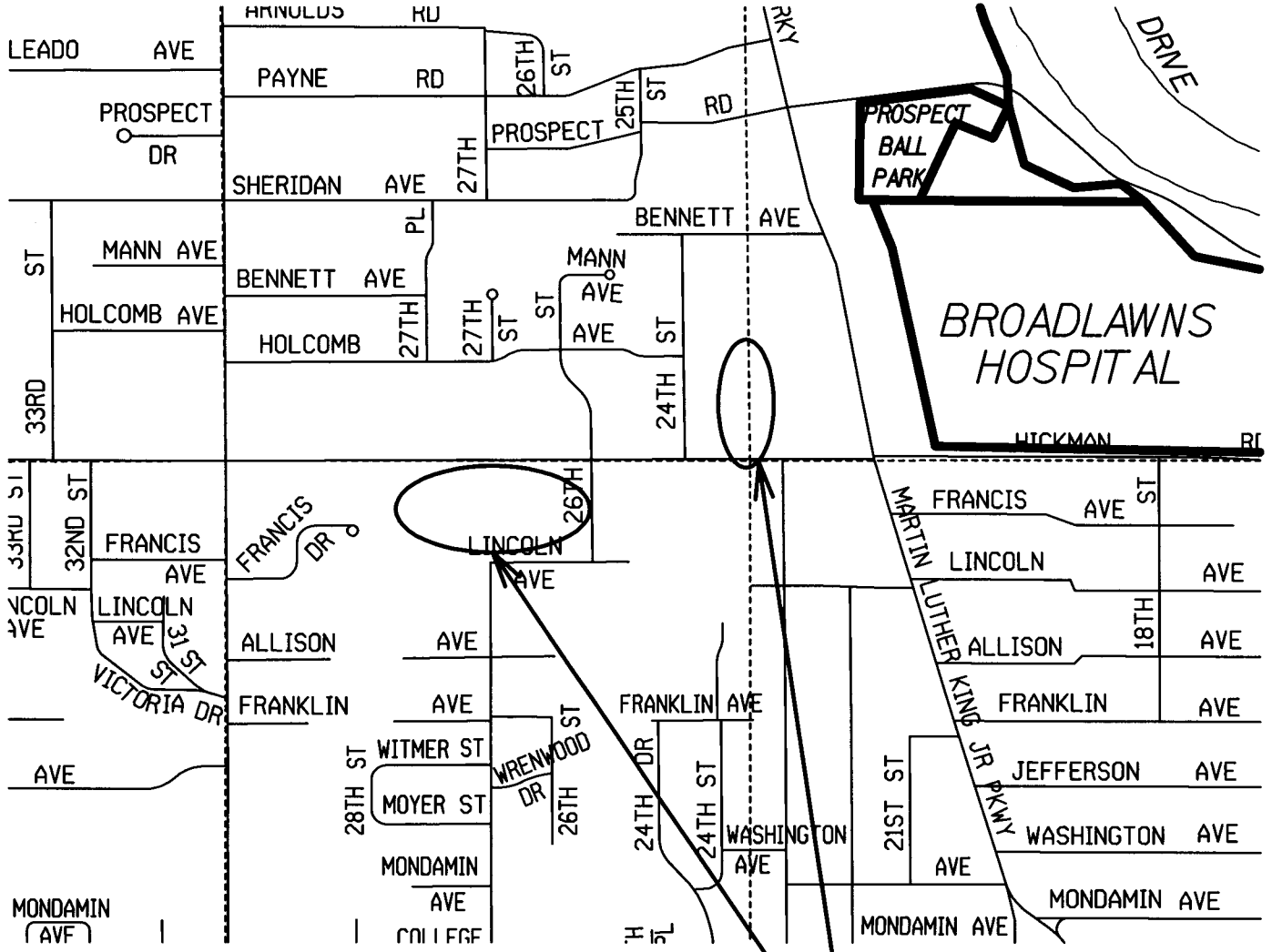
\_\_\_\_\_  
Mayor

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

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**PROJECT  
LOCATION**

**CLOSES CREEK WATERSHED - 26th  
STREET DETENTION AND  
STORM IMPROVEMENTS**

**ACTIVITY I.D. 08-2005-007**

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# PROJECT SUMMARY

## Closes Creek Watershed-26th Street Deten Activity ID 08-2005-007

On March 20, 2006, under Roll Call No. 06-563, the City Council awarded the contract for the above construction to Elder Corporation in the amount of \$2,836,999.99. The Closes Creek Watershed-26th Street Detention and Storm Improvement, Activity ID 08-2005-007, described as: Constructing a detention basin (including an earth dam with a primary and an emergency spillway), relocating sanitary sewer, a 10' X 7' reinforced concrete box culvert extension, and other incidental items; in accordance with the contract documents, including Plans File Nos. 458-053/093, on:  
Closes Creek Watershed-26th Street Detention and Storm Improvements

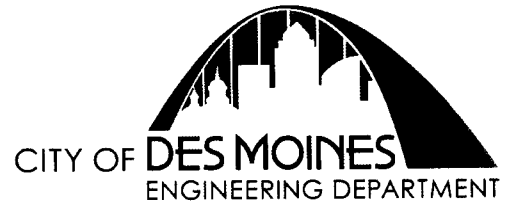
Tabulated below is a history of project change orders.

<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
1	7/17/2006 Haul wood chips generated from clearing and grubbing to the City's stockpile.	User	\$8,872.50
2	7/28/2006 Dispose of unsuitable material to an approved landfill. Haul wood chips generated from clearing and grubbing to the City's stockpile.	User	\$4,920.87
3	11/30/2007 Increases and decreases in plan quantities to reflect measured quantities, unit adjustment of cast-in-place retaining wall, removal of the underground storage tank at 2329 Hickman Road, and repair of the channel slope failure north of Hickman Road.	Engineering	(\$178.39)
4	9/4/2008 Increases and decreases in plan quantities to reflect measured quantities, modified trash rack for the basin inlet flared end section, sidewalk repair on Hickman Road with 6" PCC, articulated concrete block mechanical anchors, articulated concrete block granular bedding, scour stop erosion matting, 3 piece manhole casting, and televiser sanitary sewer service.	Engineering	(\$12,499.72)

<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
5	4/23/2009 Increases and decreases in plan quantities to reflect measured quantities.	Engineering	(\$161,449.48)
6	5/7/2009 Install additional erosion control at the RCB outlet north of Hickman Road.	Engineering	\$12,400.00
<b>Original Contract Amount</b>			\$2,836,999.99
<b>Total Change Orders</b>			(\$147,934.22)
<b>Percent of Change Orders to Original Contract</b>			-5.21%
<b>Final Contract Amount</b>			\$2,689,065.77 ✓

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July 13, 2009



**CERTIFICATION OF COMPLETION**

**AGENDA HEADING:**

Accepting completed construction and approving final payment for the Closes Creek Watershed- 26th Street Detention and Storm Improvements, Elder 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: \$2,689,065.77 As-Built Contract Cost

Funding Source: 2009-2010 CIP, Page Storm-5, Closes Creek Watershed Improvements, STE068, Storm Water Utility Funds

**CERTIFICATION OF COMPLETION:**

On March 20, 2006, under Roll Call No. 06-563, the City Council awarded a contract to Elder Corporation, Jared R. Elder II, President, 5088 E. University Avenue, Des Moines, IA 50327 for the construction of the following improvement:

Closes Creek Watershed - 26th Street Detention and Storm Improvements, 08-2005-007

Construction of a detention basin (including an earth dam with primary and emergency spillways), relocating sanitary sewer, a 10' X 7' reinforced concrete box culvert extension, and other incidental items; in accordance with the contract documents, including Plans File Nos. 458-053/093, on the Closes Creek Watershed in the general area of 26th Street and Hickman Road

I hereby certify that the construction of said Closes Creek Watershed - 26th Street Detention and Storm Improvements, Activity ID 08-2005-007, 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 April 17, 2006, and was completed on July 8, 2009.

I further certify that \$2,689,065.77 is the total cost of said improvement, of which \$2,554,612.48 has been paid the Contractor and \$0.00 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$134,453.92 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" with a stylized flourish at the end.

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