

DATE August 10, 2009

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR 2008 HMA PAVEMENT SCARIFICATION & RESURFACING, OMG MIDWEST, INC. D/B/A DES MOINES ASPHALT & PAVING**

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 2008 HMA Pavement Scarification & Resurfacing, 06-2008-015, in accordance with the contract approved between OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving, James Gauger, President, 5550 NE 22nd Street, P.O. Box 3365, Des Moines, IA 50316-0365, under Roll Call No. 08-1264, of July 14, 2008, 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 \$776,407.74 is the total cost, of which \$737,587.35 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 \$38,820.39 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 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 by AW*  
Kathleen Vanderpool  
Deputy City Attorney

FUNDS AVAILABLE  
*Allen McKinley*  
Allen McKinley  
Des Moines Finance Director

*JB* Funding Source: 2009-2010 CIP, Page Street-5, Asphaltic Paving Restoration Program, STR003, Being: \$425,827.74 in G. O. Bonds from STR003 and \$350,580.00 in TIF-Backed G. O. Bonds from Downtown Area Street Restoration, STR075, Page Street-12

★ Roll Call Number

Agenda Item Number

13

DATE August 10, 2009

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.

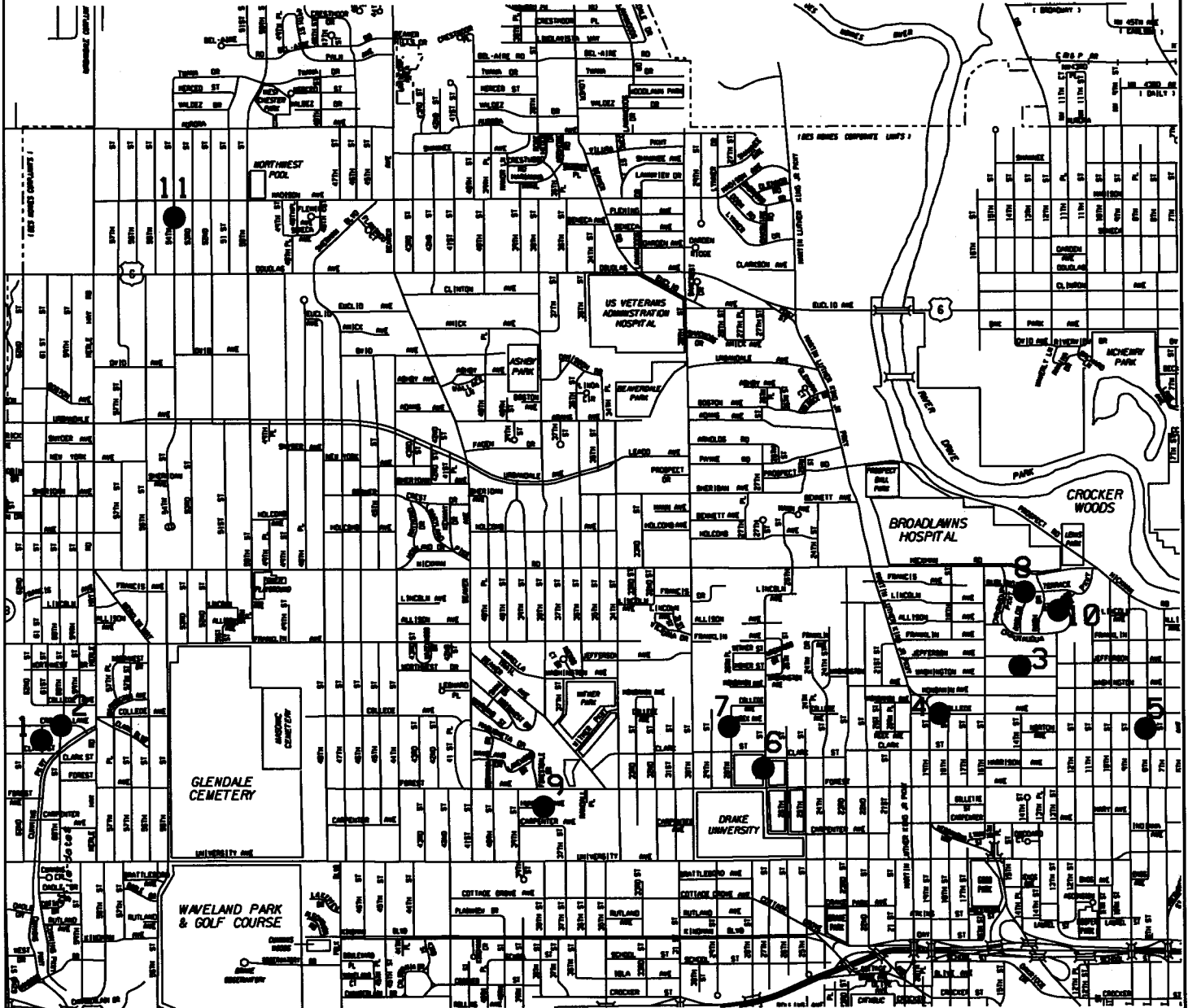
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

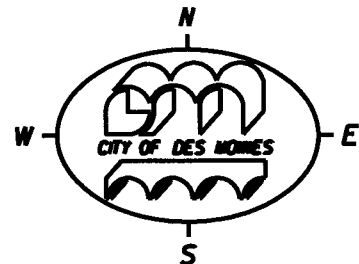
# 2008 HMA PAVEMENT SCARIFICATION & RESURFACING ACTIVITY ID 06-2008-015

13

## WARD 1

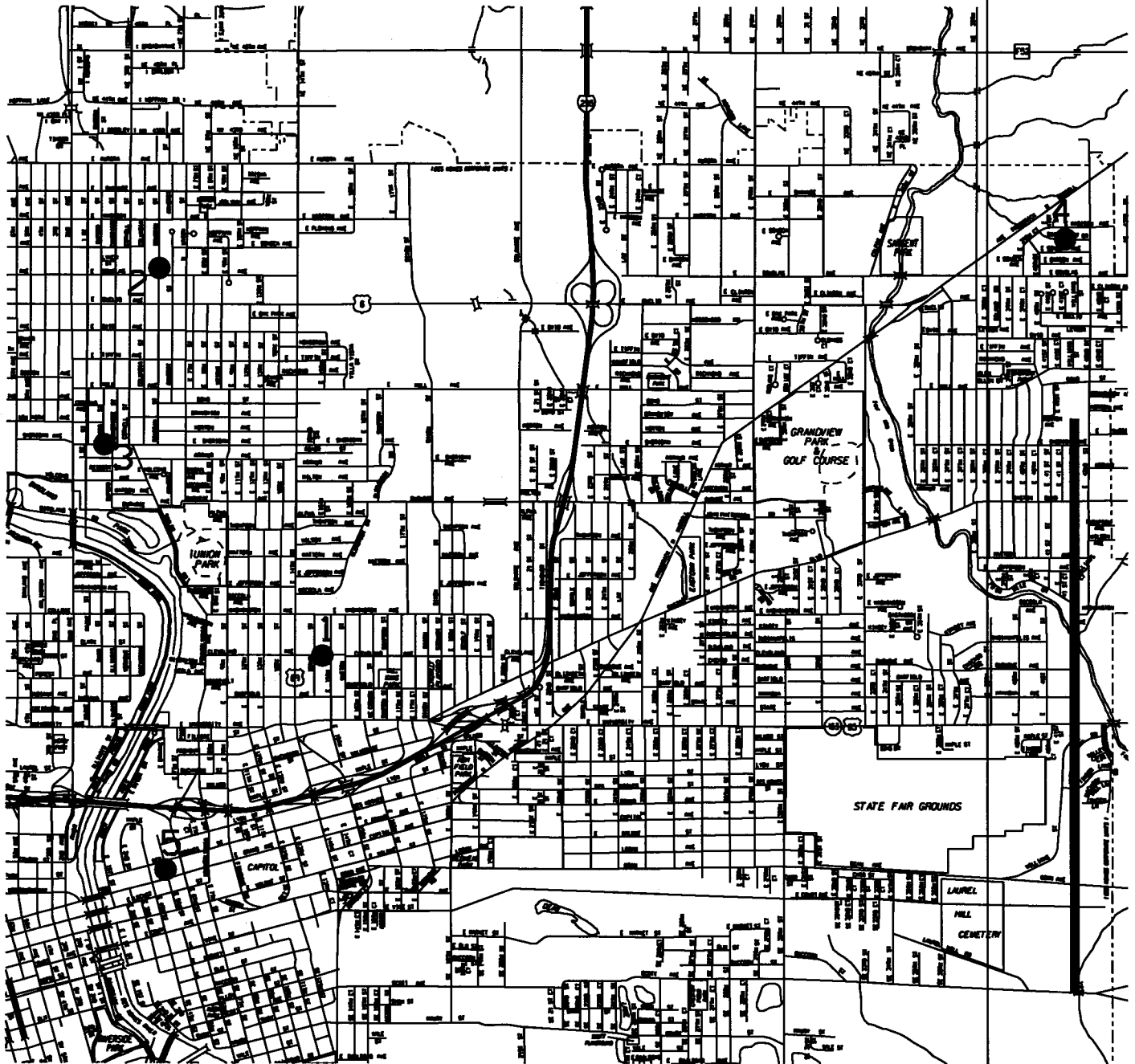


1. 61ST - CROWN LN TO CLARK
2. CROWN LN - 63RD TO CUMMINS PKWY
3. 14TH - WASHINGTON TO JEFFERSON
4. COLLEGE - 17TH TO M.L. KING
5. 8TH - COLLEGE TO CLARK
6. 27TH - FORREST TO CLARK
7. 28TH - COLLEGE TO CLARK
8. BURLINGTON TER - NASH TO CHAUTAUQUA
9. HUNTER - 39TH TO D.E. EAST
10. STEPHENSON WAY - CHAUTAUQUA TO NASH
11. 54TH - DOUGLAS TO MADISON

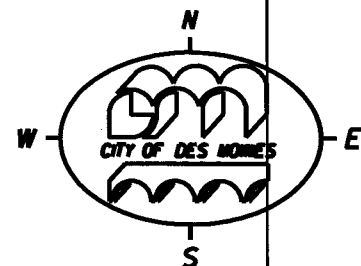


2008 HMA PAVEMENT  
SCARIFICATION & RESURFACING  
ACTIVITY ID 06-2008-015  
WARD 2

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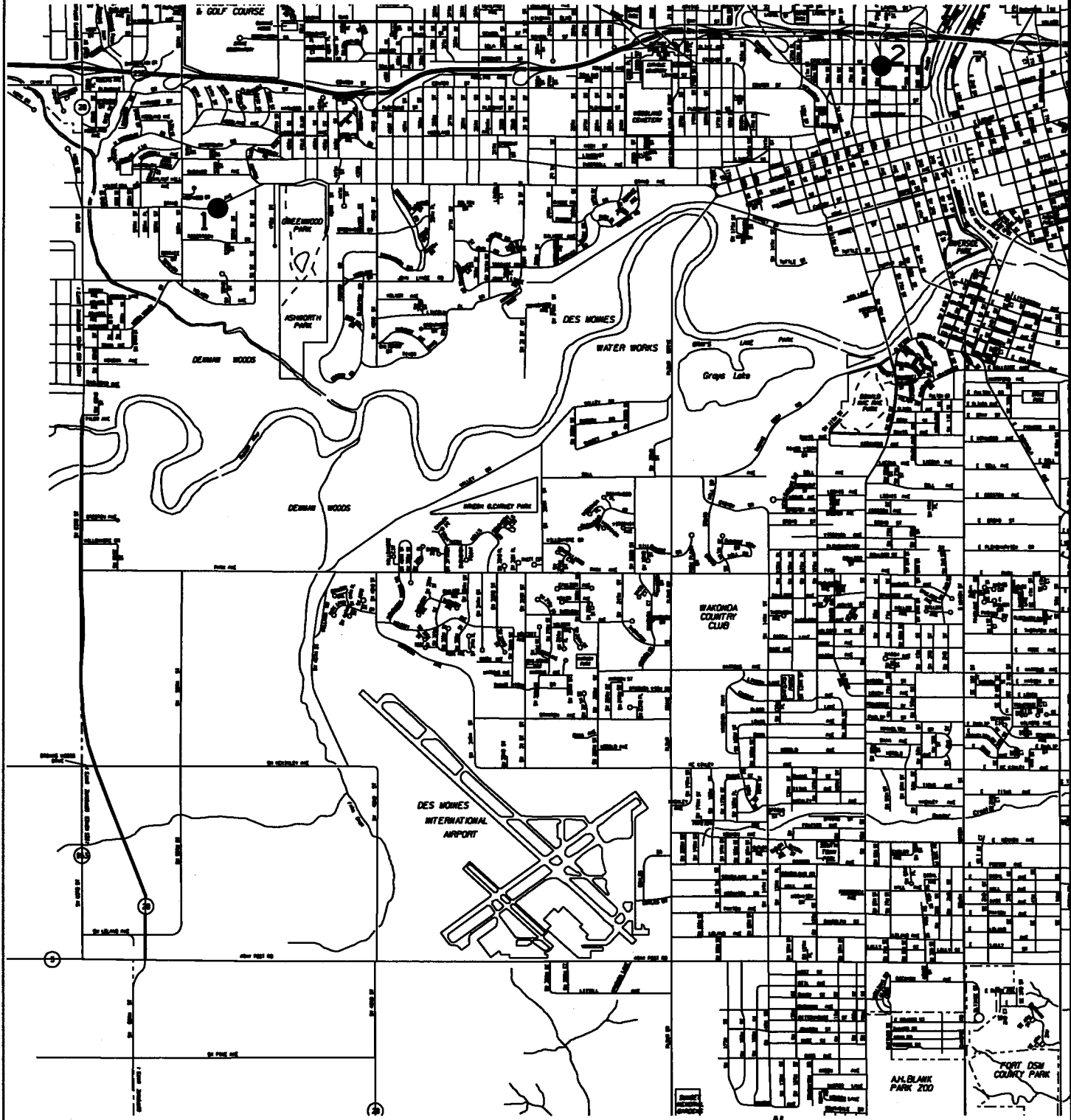


1. CLEVELAND - E. 14TH TO HUTTON
2. BOWDOIN - EUCLID TO MADISON
3. SHERIDAN - 2ND TO CORNELL
4. BRIARCLIFF - MADISON TO E. 42ND
5. E 5TH - GRAND TO DES MOINES

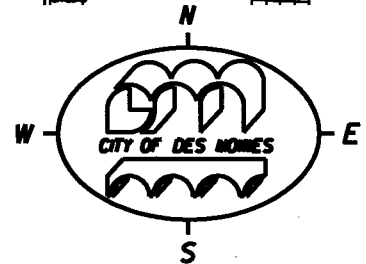


# 2008 HMA PAVEMENT SCARIFICATION & RESURFACING ACTIVITY ID 06-2008-015 WARD 3

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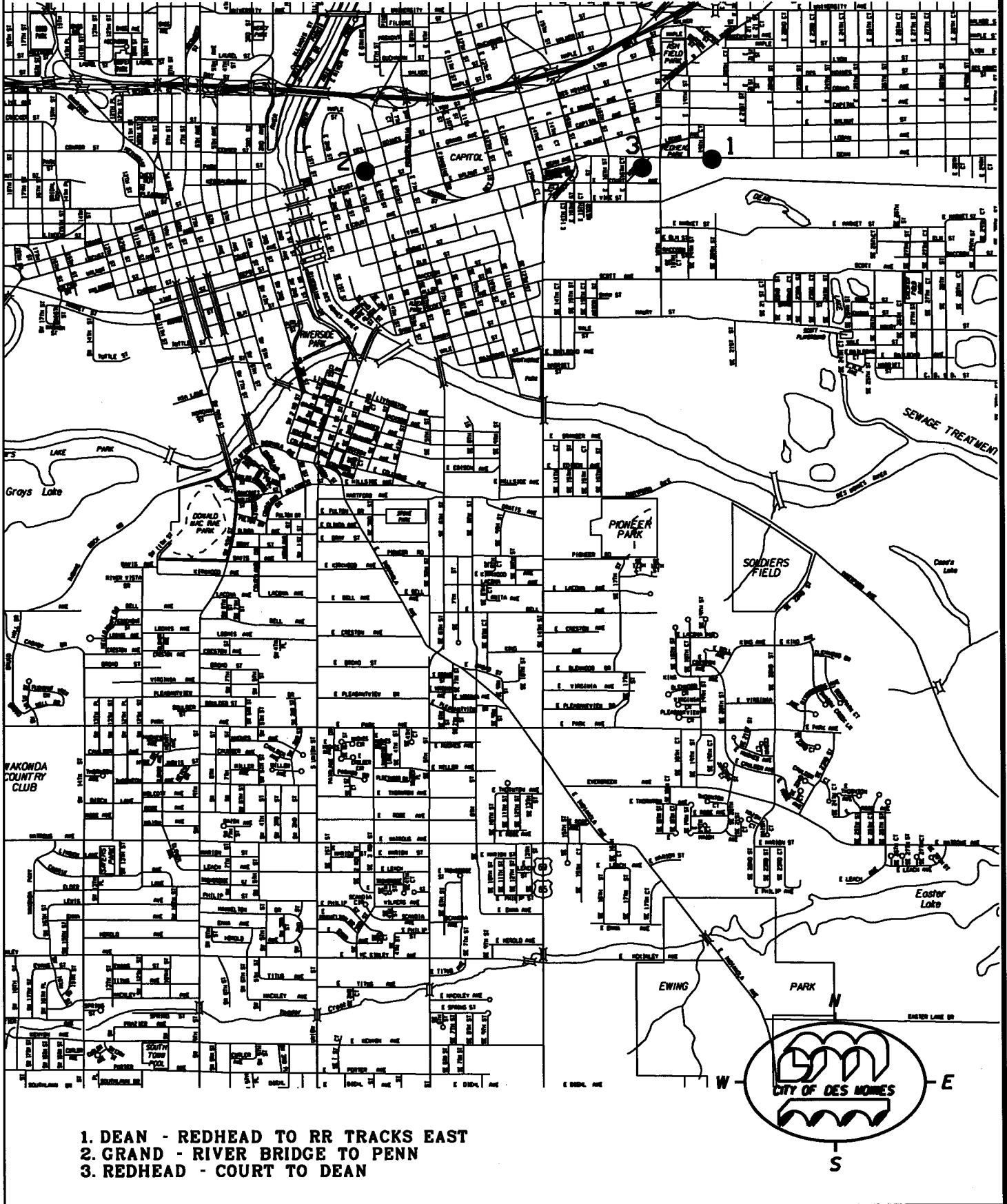


- 1. GRAND - 49TH TO 56TH
- 2. 5TH - WATSON POWELL TO SCHOOL



# 2008 HMA PAVEMENT SCARIFICATION & RESURFACING ACTIVITY ID 06-2008-015 WARD 4

13



1. DEAN - REDHEAD TO RR TRACKS EAST
2. GRAND - RIVER BRIDGE TO PENN
3. REDHEAD - COURT TO DEAN

# PROJECT SUMMARY

## 2008 HMA Pavement Scarification & Resurf

### Activity ID 06-2008-015

On July 14, 2008, under Roll Call No. 08-1264, the City Council awarded the contract for the above improvements to Des Moines Asphalt and Paving Co. in the amount of \$835,342.10 for the following:

Milling two(2) inch average depth of asphalt street surfaces with specified milling machine and equipment in a cooperative effort with the City of Des Moines Public Works Department,

- 61st St. from Crown Ln. to Clark St.
- Crown Ln. from 63rd St. to Cummins Pky.
- 14th St. from Washington Ave. to Jefferson Ave.
- College Ave. from 17th St. to M.L. King Jr. Pky.
- 8th St. from College Ave. to Clark St.
- 27th St. from Forest Ave. to Clark St.
- 28th St. from College Ave. to Clark St.
- Burlington Tr. From Nash Dr. to Chautauqua Pky.
- Hunter Ave. from 39th St. to dead end east
- Stephenson Way from Chautauqua Pwk. To Nash Dr.
- Cleveland Ave. from E. 14th St. to Hutton St.
- 5th Ave. from Watson Powell Way to School St.

Furnish all labor, materials and equipment necessary to construct a two(2) inch average thickness pavement milling and HMA surfacing on existing asphaltic street surface; together with other incidental and related work;

- 54th St. from Douglas Ave. to Madison Ave.
- Bowdoin St. from E. Euclid Ave. to E. Madison Ave.
- Briarcliff Dr. from E. Madison Ave. to E 42nd St.
- Sheridan Ave. from 2nd Ave. to Cornell St.
- Grand Ave. from 49th St. to 56th St.
- Dean Ave. from Redhead Rd. to RR Tracks East
- E. 5th St. from Grand Ave. to Des Moines, St.
- E. Grand Ave. from River bridge to Pennsylvania Ave.

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	6/29/2009 To adjust quantities to as-built quantities.	Engineering	(\$58,934.36)

<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
	<b>Original Contract Amount</b>		\$835,342.10
	<b>Total Change Orders</b>		(\$58,934.36)
	<b>Percent of Change Orders to Original Contract</b>		-7.06%
	<b>Final Contract Amount</b>		\$776,407.74



August 10, 2009



**CERTIFICATION OF COMPLETION**

**AGENDA HEADING:**

Accepting completed construction and approving final payment for the 2008 HMA Pavement Scarification & Resurfacing, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving.

**SYNOPSIS:**

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

**FISCAL IMPACT:**

Amount: \$776,407.74 As-Built Contract Cost

Funding Source: 2009-2010 CIP, Page Street-5, Asphaltic Paving Restoration Program, STR003, Being: \$425,827.74 in G. O. Bonds from STR003 and \$350,580.00 in TIF-Backed G. O. Bonds from Downtown Area Street Restoration, STR075, Page Street-12

**CERTIFICATION OF COMPLETION:**

On July 14, 2008, under Roll Call No. 08-1264, the City Council awarded a contract to OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving, James Gauger, President, 5550 NE 22nd Street, P.O. Box 3365, Des Moines, IA 50316-0365 for the construction of the following improvement:

2008 HMA Pavement Scarification & Resurfacing, 06-2008-015

The improvement includes:

1. Scarification of two (2) inch average depth of asphalt street surfaces with specified milling machine and equipment in a cooperative effort with the City of Des Moines Public Works Department, all in accordance with the contract documents at the following locations within the City of Des Moines:

- 61st Street from Crown Lane to Clark Street
- Crown Lane from 63rd Street to Cummins Parkway
- 14th Street from Washington Avenue to Jefferson Avenue
- College Avenue from 17th Street to M.L. King Jr. Parkway
- 8th Street from College Avenue to Clark Street
- 27th Street from Forest Avenue to Clark Street
- 28th Street from College Avenue to Clark Street
- Burlington Terrace from Nash Drive to Chautauqua Parkway
- Hunter Avenue from 39th Street to dead end East
- Stephenson Way from Chautauqua Parkway to Nash Drive
- Cleveland Avenue from E 14th Street to Hutton Street
- 5th Avenue from Watson Powell Way to School Street

2. Furnish all labor, materials and equipment necessary to construct a two (2) inch average thickness pavement scarification and HMA surfacing on existing asphaltic street surface; together with other incidental and related work; all in accordance with the contract documents at the following locations within the City of Des Moines:

- 54th Street from Douglas Avenue to Madison Avenue
- Bowdoin Street from E Euclid Avenue to E Madison Avenue
- Briarcliff Drive from E Madison Avenue to E 42nd Street
- Sheridan Avenue from 2nd Avenue to Cornell Street
- Grand Avenue from 49th Street to 56th Street
- Dean Avenue from Redhead Road to RR Tracks East
- Redhead Road from E Court Avenue to Dean Avenue
- E 5th Street from E Grand Avenue to Des Moines Street
- E Grand Avenue from River Bridge to Pennsylvania Avenue

I hereby certify that the construction of said 2008 HMA Pavement Scarification & Resurfacing, Activity ID 06-2008-015, 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 8, 2008, and was completed on July 20, 2009.

I further certify that \$776,407.74 is the total cost of said improvement, of which \$737,587.35 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 \$38,820.39 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.



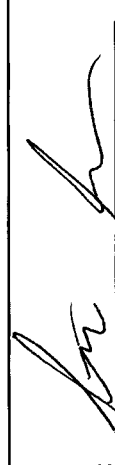
Jeb E. Brewer, P.E.  
Des Moines City Engineer

**ESTIMATE OF CONSTRUCTION COMPLETED**  
FROM 12/29/08 TO 6/24/09  
**FINAL**

**PROJECT: 2008 HMA PAVEMENT SCARIFICATION & RESURFACING**  
**CONTRACTOR: OMG MIDWEST, INC. d/b/a DES MOINES ASPHALT AND PAVING COMPANY.**

LINE NO.	DESCRIPTION	UNIT	UNITS			TOTAL AMOUNT
			ESTIMATED	AUTHORIZED	CONSTRUCTED TO DATE	
1	Pavement milling; two (2) inch average thickness; milling materials removed becomes the property of City (this item includes milling, loading, and hauling)	SY	75,460.000	75,460.000	68,159.550	\$102,239.33
2	Two (2) inch (in place) hot mix overlay (this item includes hauling, placement, and compaction of HMA and furnishing and placement of tack)	SY	61,250.000	61,250.000	53,161.300	\$116,954.86
3	HMA (1 M ESAL) SURE, 1/2", FRIC L-4	TONS	2,150.000	2,150.000	719.730	\$48,509.80
4	(this item includes furnishing material at plant site) HMA (3 M ESAL) SURE, 1/2", FRIC L-4	TONS	5,677.000	5,677.000	6,620.600	\$456,821.40
5	(this item includes furnishing material at plant site) Temporary Painted Pavement Marking, Waterborne or Solvent Based	STA	393.000	393.000	327.340	\$7,234.21
6	Durable Pavement Marking, Epoxy	STA	242.000	242.000	243.170	\$31,612.10
7	Durable Symbols and Legend, Epoxy	EA	4.000	4.000	11.000	\$2,255.00
10	Grooves Cut for Pavement Markings	STA	242.000	242.000	248.870	\$9,681.04
11	Grooves Cut for Symbols and Legends	EA	4.000	4.000	11.000	\$1,100.00
TOTAL CONTRACT AMOUNT PLUS CHANGE ORDERS			\$776,407.74			
PARTIAL PAYMENT NO. 1			\$395,593.68			
PARTIAL PAYMENT NO. 2			\$198,434.82			
PARTIAL PAYMENT NO. 3			\$101,143.12			
PARTIAL PAYMENT NO. 4			\$42,415.73			
THIS PARTIAL PAYMENT			\$0.00			
TOTAL PARTIAL PAYMENTS			\$737,587.35			
BALANCE			\$38,820.39			
Percent Complete 100%						
TOTAL						\$776,407.74
RETAINAGE						\$38,820.39
TOTAL LESS RETAINAGE						\$737,587.35
LESS PREVIOUS PAYMENT						\$737,587.35
AMOUNT DUE						\$0.00

FINAL

PREPARED BY: 

CHECKED BY: 