

DATE August 11, 2008

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR EMERGENCY SANITARY SEWER REPAIR AT E 9<sup>TH</sup> STREET & BOYD AVENUE, THE UNDERGROUND COMPANY, LTD.**

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 Emergency Sanitary Sewer Repair at E 9<sup>th</sup> Street & Boyd Avenue, Activity ID 14-2008-059 , in accordance with Purchase Order Number 21185, approved between The Underground Company, Ltd., Duane Burkhardt, President, 12245 Dakota Street, Carlisle, Iowa, 50047, under Roll Call No. 08-1148, of June 23, 2008, and the City of Des Moines, and recommending the acceptance thereof, be and the same is hereby approved, and accepted, and

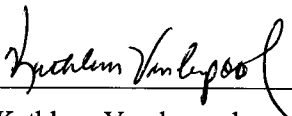
BE IT FURTHER RESOLVED: That \$42,000 is the total cost, of which \$39,900 has been paid the Contractor, and \$0.00 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$2,100 is to be paid at the end of thirty days, provided no claims or liens have 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.

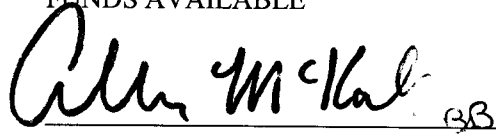
BE IT FURTHER RESOLVED: That the Engineering Department be and is hereby authorized and directed to notify all persons and firms with outstanding Chapter 573 claims against said project, that the project has been given final acceptance as completed by this City Council, that they have 60 days from such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

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

Funding Source: 2008-2009 Operating Budget, SP854, ENG982008, OPR 178, 2008 Storms Mitigation/Recovery

★ Roll Call Number

Agenda Item Number

9C

DATE August 11, 2008

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

**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.

\_\_\_\_\_  
Mayor

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

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August 11, 2008

**CERTIFICATION OF COMPLETION**

**AGENDA HEADING:**

Accepting completed construction and approving final payment for the Emergency Sanitary Sewer Repair at E 9<sup>th</sup> Street & Boyd Avenue, 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: \$42,000 As-Built Purchase Order Cost

Funding Source: 2008-2009 Operating Budget, SP854, ENG982008, OPR 178, 2008 Storms Mitigation/Recovery

**CERTIFICATION OF COMPLETION:**

On June 23, 2008, under Roll Call No. 08-1148, the City Council awarded Purchase Order No. 21185 to The Underground Company, Ltd., Duane Burkhardt, President, 12245 Dakota Street, Carlisle, Iowa, 50047, for emergency repairs resulting from the June 2008 flooding on the Des Moines and Raccoon Rivers and/or heavy local rains which resulted in surcharge of the sanitary sewers and caused damage to the following public improvements:

Sanitary Sewer collapse on Boyd Street near E 9<sup>th</sup> Street resulting in a partial closure of Boyd Street and requires 24-hour per day bypass pumping by Public Works.

I hereby certify that the construction of said Emergency Sanitary Sewer Repair at E 9<sup>th</sup> Street & Boyd Avenue, Activity ID 14-2008-059, has been completed in substantial compliance with the terms of said purchase order, and I hereby recommend that the work be accepted.



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

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I further certify that \$42,000 is the total cost of said improvement, of which \$39,900 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 \$2,100 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.

A handwritten signature in black ink, reading "Jeb E. Brewer, P.E." with a stylized flourish at the end.

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

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