

10 D

DATE September 8, 2008

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT
FOR BIRDLAND LEVEE EMERGENCY REPAIR,
CRAMER AND ASSOCIATES, INC.**

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 Birdland Levee Emergency Repair: Activity ID 14-2008-056, in accordance with Purchase Order Number 21115 approved between Cramer and Associates, Inc., Robert Cramer, 5600 Brookside Drive, Grimes, IA 50111, 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.

BE IT FURTHER RESOLVED: That \$497,214.11 is the total cost, of which \$472,353.40 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 \$24,860.71 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.

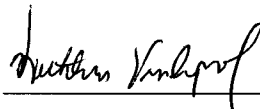
BE IT FURTHER RESOLVED: That the Engineering Department be and is hereby authorized and directed to notify all persons and firms with outstanding Chapter 573 claims against said project, that the project has been given final acceptance as completed by this City Council, that they have 60 days from such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

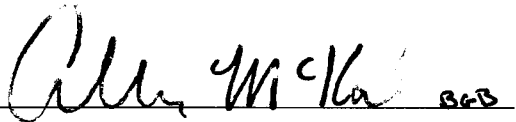
Moved by _____ to adopt.

FORM APPROVED:

FUNDS AVAILABLE



Kathleen Vanderpool
Deputy City Attorney



Allen McKinley
Des Moines Finance Director

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

★ **Roll Call Number**

DATE September 8, 2008

Agenda Item Number

_____ 10 D

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

10D

September 8, 2008

CERTIFICATION OF COMPLETION

AGENDA HEADING:

Accepting completed construction and approving final payment for Birdland Levee Emergency Repair, Cramer and Associates, Inc.

SYNOPSIS:

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

FISCAL IMPACT:

Amount: \$497,214.11 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. 21115 to Cramer and Associates, Inc., Robert Cramer, 5600 Brookside Drive, Grimes, IA 50111, for emergency levee repairs resulting from the June 2008 flooding on the Des Moines and Raccoon Rivers. These levee repairs include providing all labor, equipment, and materials to restore the Birdland Levee that failed north of New York Avenue by filling the breach and driving pile to restore levee protection for the area. This levee breach needed to be repaired as soon as possible to prevent flooding and restore the levee protection to the Birdland area. Staff determined that the this work was an emergency and began negotiations with Cramer and Associates, Inc. because the repair would require 40 foot-long steel pile to be driven for a length of 175' to close the breach. Cramer had equipment in the area and is capable of driving the necessary pile. Because of the emergency nature of this repair and Cramer's capabilities, Cramer was directed to begin the work immediately.

I hereby certify that the construction of said Birdland Levee Emergency Repair, Activity ID 14-2008-056, 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

I further certify that \$497,214.11 is the total cost of said improvement, of which \$472,353.40 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 \$24,860.71 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, appearing to read "Jeb E. Brewer, P.E.", with a stylized flourish at the end.

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

