

DATE October 5, 2007

ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR LOCAL FLOOD PROTECTION LEVEE CLOSURES, L-M VENTURE CORPORATION, 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 Local Flood Protection Levee Closures, 04-2005-002, in accordance with the contract approved between L-M Venture Corporation, Inc., Leroy McGarity, President, 7 Ellefson Drive, Desoto, IA 50069, under Roll Call No. 06-2035, of October 9, 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 \$91,968.16 is the total cost, of which \$86,937.05 has been paid the Contractor, and \$432.70 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$4,598.41 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.

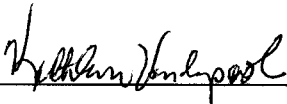
BE IT FURTHER RESOLVED: That the Engineering Department be and is hereby authorized and directed to notify all persons and firms with outstanding Chapter 573 claims against said project, that the project has been given final acceptance as completed by this City Council, that they have 60 days from such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

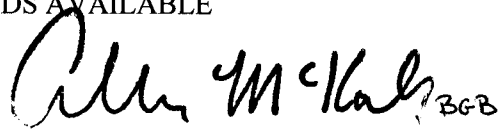
BE IT FURTHER RESOLVED: That the Des Moines Finance Director be and is hereby authorized to release said retainage if suit is not filed as above provided.

Moved by _____ to adopt.

FORM APPROVED:

FUNDS AVAILABLE





Kathleen Vanderpool
Deputy City Attorney

Allen McKinley
Des Moines Finance Director

Funding Source: 2007-2008 CIP, Page Storm-11, Flood Protection System Improvements, FLD008, Storm Water Utility Funds

★ Roll Call Number

.....

Agenda Item Number

9C

Date October 8, 2007

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

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PROJECT SUMMARY

Local Flood Protection Levee Closures

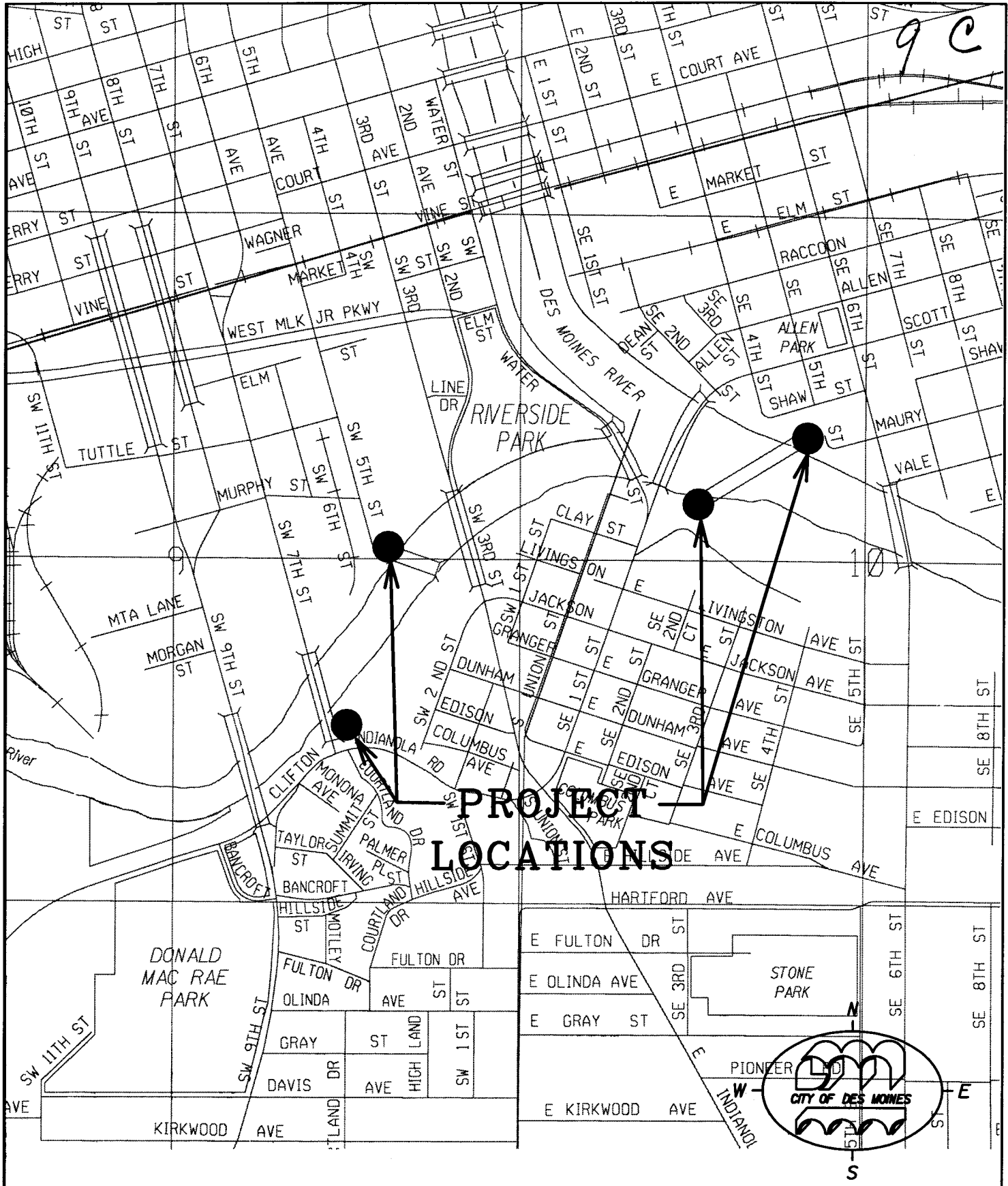
Activity ID 04-2005-002

On October 9, 2006, under Roll Call No. 06-2035, the City Council awarded the contract for the above improvement to LM Ventures Corporation, Inc., in the amount of \$71,269.55 to construct four permanent levee closures where openings in the levee exist and are no longer needed due to abandonment of railroad tracks or public streets.

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	1/3/2007 Modify and relocate the underground electrical wiring for Meredith Trail lighting and emergency telephone systems as directed by the U.S. Army Corps of Engineers.	Regulator	\$8,564.00
2	6/5/2007 The US Army Corps of Engineers required removal and replacement of the soils beneath an MCI duct via this contract.	Regulator	\$4,000.00
3	8/3/2007 Adjust contract quantities to match as-constructed quantities as a "Balancing Change Order" to adjust the contract dollar amount.	Engineering	\$8,134.61
Original Contract Amount			\$71,269.55
Total Change Orders			\$20,698.61
Percent of Change Orders to Original Contract			29.04%
Final Contract Amount			\$91,968.16

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**PROJECT
LOCATIONS**

**LOCAL FLOOD PROTECTION
LEVEE CLOSURE
ACTIVITY I.D. 04-2005-002**

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October 5, 2007

CERTIFICATION OF COMPLETION

AGENDA HEADING:

Accepting completed construction and approving final payment for the Local Flood Protection Levee Closures, L-M Venture Corporation, 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: \$91,968.16 As-Built Contract Cost

Funding Source: 2007-2008 CIP, Page Storm-11, Flood Protection System Improvements, FLD008, Storm Water Utility Funds

CERTIFICATION OF COMPLETION:

On October 9, 2006, under Roll Call No. 06-2035, the City Council awarded a contract to L-M Venture Corporation, Inc., Leroy McGarity, President, 7 Ellefson Drive, Desoto, IA 50069 for the construction of the following improvement:

Local Flood Protection Levee Closures, 04-2005-002

The improvement includes construction of four permanent levee closures where openings in the levee exist and are no longer needed due to abandonment of railroad tracks or public streets. The work includes approximately 1000 cubic yards of excavation, 1200 cubic yards of impervious fill, surface restoration and other related items, all in accordance with the contract documents including Plan File No. 465-014/021. The four sites of the closures are located near the confluence of the Raccoon River and the Des Moines River.

I hereby certify that the construction of said Local Flood Protection Levee Closures, Activity ID 04-2005-002, 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 November 9, 2006, and was completed on October 1, 2007.



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 \$91,968.16 is the total cost of said improvement, of which \$86,937.05 has been paid the Contractor and \$432.70 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$4,598.41 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



ENGINEERING DEPARTMENT
CITY OF DES MOINES, IOWA
ESTIMATE OF CONSTRUCTION COMPLETED

PARTIAL PAYMENT NO. 6 & FINAL

PROJECT: Local Flood Protection Levee Closures
CONTRACTOR: LM Ventures Corporation, Inc.

Activity ID: 04-2005-002
Date: 07/10/07

LINE NO.	DESCRIPTION	UNIT	UNITS			UNIT PRICE	TOTAL AMOUNT
			ESTIMATED	AUTHORIZED	CONSTRUCTED TO DATE		
1	Topsoil, Salvage, Stockpile and Spread	CY	100.000	0.000	0.000	\$4.25	\$0.00
2	Excavation, Class 10	CY	1,200.000	1,210.000	1,210.000	\$3.75	\$4,537.50
3	Select Borrow, Imported	CY	1,150.000	1,628.000	1,628.000	\$18.50	\$30,118.00
4	Topsoil, Furnish and Spread	CY	100.000	280.000	280.000	\$29.00	\$8,120.00
5	6" HMA Trail, Commercial Mix (Including Asphalt Binder)	SY	95.000	97.000	97.000	\$28.94	\$2,807.18
6	Removal of Concrete	SY	280.000	560.000	560.000	\$2.00	\$1,120.00
7	Removal of HMA Trail	SY	95.000	97.000	97.000	\$6.75	\$654.75
8	Removal of Railroad Rails, Ties and Ballast	LF	120.000	120.000	120.000	\$7.50	\$900.00
9	Removal of Railroad Ballast	CY	100.000	100.000	100.000	\$3.10	\$310.00
10	Fence, Safety	LF	600.000	688.800	688.800	\$24.89	\$17,144.23
11	Traffic Control Devices	EACH	2.000	2.000	2.000	\$375.00	\$750.00
12	Mobilization	LS	1.000	1.000	1.000	\$10,000.00	\$10,000.00
13	Flood Protection Plan, Part A	LS	1.000	1.000	1.000	\$500.00	\$500.00
14	Flood Protection Plan, Part B	EACH	2.000	0.000	0.000	\$4,000.00	\$0.00
15	Mulch	ACRE	1.000	0.700	0.700	\$475.00	\$332.50
16	Seed and Fertilize, Urban	ACRE	1.000	0.700	0.700	\$800.00	\$560.00
17	Silt Fence	LF	500.000	500.000	500.000	\$3.10	\$1,550.00
	CHANGE ORDERS						
0101	Relocate Underground Wiring	LS		1.000	1.000	\$8,564.00	\$8,564.00
0201	Work Beneath MCI Conduit	LS		1.000	1.000	\$4,000.00	\$4,000.00
	TOTAL CONTRACT AMOUNT PLUS CHANGE ORDERS		\$91,968.16				
	PARTIAL PAYMENT No.1		\$23,303.96				
	PARTIAL PAYMENT No.2		\$21,692.49				
	PARTIAL PAYMENT No.3		\$13,614.30				
	PARTIAL PAYMENT No.4		\$17,052.41				
	PARTIAL PAYMENT No.5		\$11,273.89				
	THIS PARTIAL PAYMENT		\$432.70				
	TOTAL PARTIAL PAYMENTS		\$87,369.75				
	BALANCE		\$4,598.41				
	PERCENT COMPLETE		100.00%				

PREPARED BY: Charles A Lepak
Charles A Lepak

CHECKED BY: [Signature]

ACCEPTED BY: [Signature]
LM Ventures Corporation, Inc.

TOTAL	\$91,968.16
RETAINAGE	\$4,598.41
TOTAL LESS RETAINAGE	\$87,369.75
LESS PREVIOUS PAYMENTS	\$86,937.05
AMOUNT DUE	\$432.70

PARTIAL PAYMENT NO. 6 & FINAL