

DATE October 22, 2007

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR BIRDLAND SWIMMING POOL BUILDINGS EXTERIOR REPLACEMENT, WESTERN WATERPROOFING CO., 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 Swimming Pool Buildings Exterior Replacement, 11-2007-002, in accordance with the contract approved between Western Waterproofing Co., Inc., William Bishop, President, 1829 Industrial Circle, West Des Moines, IA 50265, under Roll Call No. 07-287, of February 12, 2007, 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 \$64,038.00 is the total cost, of which \$60,836.10 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 \$3,201.90 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.

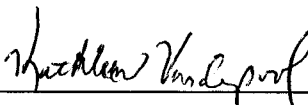
BE IT FURTHER RESOLVED: That the Engineering Department be and is hereby authorized and directed to notify all persons and firms with outstanding Chapter 573 claims against said project, that the project has been given final acceptance as completed by this City Council, that they have 60 days from such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

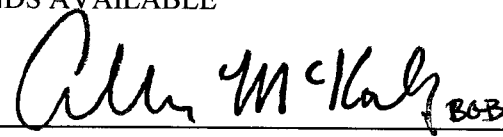
BE IT FURTHER RESOLVED: That the Des Moines Finance Director be and is hereby authorized to release said retainage if suit is not filed as above provided.


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 Park-28, Swimming Pools and Aquatic Infrastructure, PKS153, G. O. Bonds

★ **Roll Call Number**

.....

**Agenda Item Number**

10A

**Date** October 22, 2007

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

**CERTIFICATE**

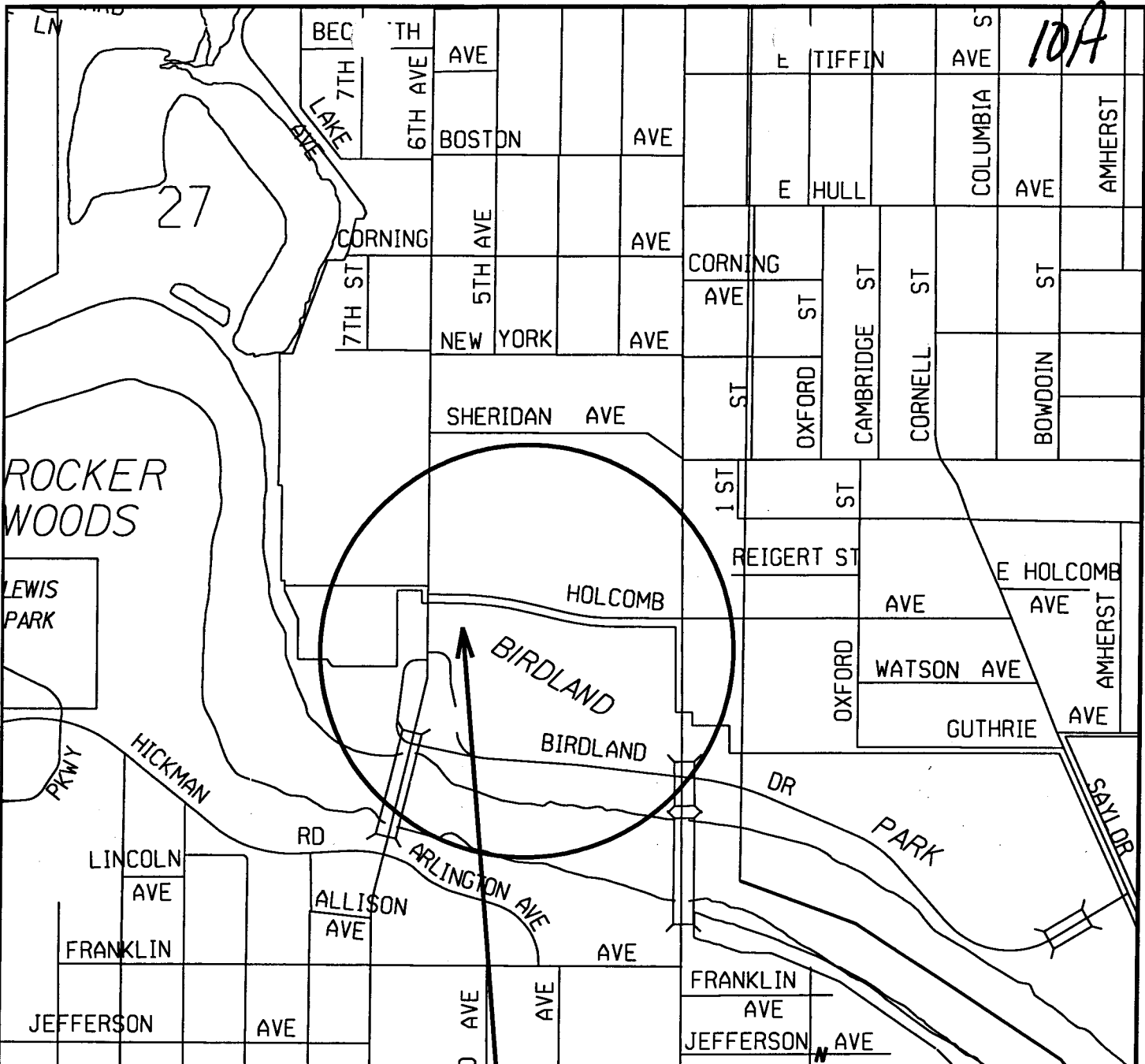
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

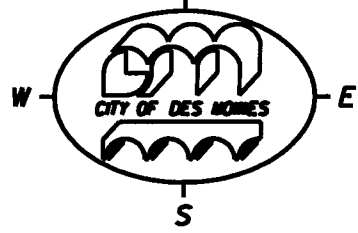
MOTION CARRIED APPROVED

\_\_\_\_\_ Mayor

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



**PROPERTY  
LOCATION**



**BIRDLAND SWIMMING POOL BUILDINGS  
EXTERIOR REPLACEMENT  
ACTIVITY I.D. 11-2007-002**

10A

# PROJECT SUMMARY

## Birdland Pool Buildings Exterior Replace

### Activity ID 11-2007-002

On February 12, 2007, under Roll Call 07-286 , the City Council awarded the contract for the above improvement to Western Waterproofing Co., in the amount of \$52,589.00 for the replacement of deteriorated CMU, resurfacing of spalled CMU and application of elastomeric coating.

Tabulated below is a history of project change orders.

<b>Change Order No.</b>	<b>Description</b>	<b>Initiated By</b>	<b>Amount</b>
1	5/30/2007 Add replacement, resurfacing & tuckpointing due to field conditions.	Contractor	\$6,043.00
2	7/12/2007 Add for compact fluorescent lamps and photocells requested by Parks Dept.	User	\$1,883.00
3	Interior CMU repairs	User	\$3,523.00
<b>Original Contract Amount</b>			\$52,589.00
<b>Total Change Orders</b>			\$11,449.00
<b>Percent of Change Orders to Original Contract</b>			21.77%
<b>Final Contract Amount</b>			\$64,038.00

10A

October 22, 2007

**CERTIFICATION OF COMPLETION**

**AGENDA HEADING:**

Accepting completed construction and approving final payment for the Birdland Swimming Pool Buildings Exterior Replacement, Western Waterproofing Co., 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: \$64,038.00 As-Built Contract Cost

Funding Source: 2007-2008 CIP, Page Park-28, Swimming Pools and Aquatic Infrastructure, PKS153, G. O. Bonds

**CERTIFICATION OF COMPLETION:**

On February 12, 2007, under Roll Call No. 07-287, the City Council awarded a contract to Western Waterproofing Co., Inc., William Bishop, President, 1829 Industrial Circle, West Des Moines, IA 50265 for the construction of the following improvement:

Birdland Swimming Pool Buildings Exterior Replacement, 11-2007-002

The improvement includes coating of exterior glazed concrete masonry units (CMU) to prevent the further deterioration of the CMU. Wall preparation includes replacement of damaged CMU, light sandblasting, application of block filler, miscellaneous tuckpointing, application of elastomeric coating, and application of a graffiti-resistant coating. Installation of a precast stone base to prevent mower damage to the lower part of the coating. The free standing wall at the SW corner of the bath house will be removed. All in accordance with the contract documents and located at Birdland Park, 6th Avenue & Holcomb, Des Moines, Iowa

I hereby certify that the construction of said Birdland Swimming Pool Buildings Exterior Replacement, Activity ID 11-2007-002, 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 April 6, 2007, and was completed on October 17, 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

I further certify that \$64,038.00 is the total cost of said improvement, of which \$60,836.10 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 \$3,201.90 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, P.E.", with a small flourish at the end.

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