

DATE November 9, 2009

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT
FOR FLEUR DRIVE/BLUE STREET RESURFACING - BEARDSLEY STREET TO S.W. 9TH STREET,
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 Fleur Drive/Blue Street Resurfacing - Beardsley Street to S.W. 9th Street, 06-2009-009, 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. 09-924, of May 18, 2009, 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 \$498,888.48 is the total construction cost, of which \$483,921.83 has been paid the Contractor, with a final partial payment of \$0.00 to be paid now, and the remaining balance of \$14,966.65 be paid at the end of thirty days, provided no claims or liens have been filed against said project, and provided that a release of this payment has been approved by the Iowa Department of Transportation through the Department of Engineering for the City of Des Moines, Iowa. Said Engineering Department shall not release this payment until all project audits have been completed, and any monetary penalties resulting from audit deficiencies shall be deducted from said balance of \$14,966.65 before being released to the Contractor.

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.



Roll Call Number

Agenda Item Number

11B

DATE November 9, 2009

Moved by _____ to adopt.

FORM APPROVED:

FUNDS AVAILABLE

Kathleen Vanderpool
Deputy City Attorney

Allen McKinley
Des Moines Finance Director

Funding Source: 2009-2010 CIP, Page Street-32, Rehabilitation and Preservation of Major Roadways, STR222, Being: \$493,620.63 in Federal Stimulus Funds under the American Recovery and Reinvestment Act of 2009 for construction costs only, with any construction overage and project administration costs from G.O. Bonds

ESL-1945(754)--7S-91

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

11 B

PROJECT SUMMARY

Fleur Drive/Blue Street Resurfacing

Activity ID 06-2009-009

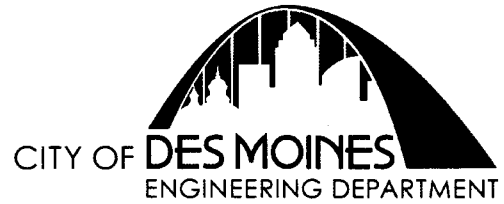
On May 18, 2009, under Roll Call No. 09-923, the City Council awarded the contract for the Fleur Drive/Blue Street Resurfacing From Beardsley Street to S.W. 9th Street to Des Moines Asphalt and Paving. The resurfacing project includes overlaying and shouldering Fleur Drive and Blue Street from Beardsley Street to S.W. 9th Street .

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	8/4/2009 Adjust contract quantities to match as-built quantities.	Engineering	\$5,267.85
Original Contract Amount			\$493,620.63
Total Change Orders			\$5,267.85
Percent of Change Orders to Original Contract			1.07%
Final Contract Amount			\$498,888.48

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November 9, 2009



CERTIFICATION OF COMPLETION

AGENDA HEADING:

Accepting completed construction and approving final payment for the Fleur Drive/Blue Street Resurfacing - Beardsley Street to S.W. 9th Street, 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: \$498,888.48 As-Built Contract Cost

Funding Source: 2009-2010 CIP, Page Street-32, Rehabilitation and Preservation of Major Roadways, STR222, Being:

\$493,620.63 in Federal Stimulus Funds under the American Recovery and Reinvestment Act of 2009 for construction costs only, with any construction overage and project administration costs from G.O. Bonds

CERTIFICATION OF COMPLETION:

On May 18, 2009, under Roll Call No. 09-924, 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:

Fleur Drive/Blue Street Resurfacing - Beardsley Street to S.W. 9th Street, 06-2009-009

The improvement includes resurfacing an existing roadway with hot mix asphalt, and other incidental items; in accordance with the contract documents, including Plan File Nos. 495-110/114, on Fleur Drive (85th Avenue) from Beardsley Street south to Blue Street, and Blue Street from Fleur Drive (85th Avenue) east to S.W. 9th Street (Highway R63)

I hereby certify that the construction of said Fleur Drive/Blue Street Resurfacing - Beardsley Street to S.W. 9th Street, Activity ID 06-2009-009, 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 June 15, 2009, and was completed on July 31, 2009.

I further certify that \$498,888.48 is the total cost of said improvement, of which \$483,921.83 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 \$14,966.65 is to be paid at the end of thirty days, with funds retained for unresolved claims on file in accordance with Iowa Code chapter 573. The amount of completed work is shown on the attached Estimate of Construction Completed.

A handwritten signature in black ink, appearing to read "Jeb E. Brewer". The signature is fluid and cursive, with a small flourish at the end.

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

ESTIMATE OF CONSTRUCTION COMPLETED
FOR WORK DONE FROM 07/01/09 TO 07/14/09
FINAL PAYMENT (PAYMENT NO. 3)


DATE: 07/28/09


PROJECT: Fleur Drive/Blue Street Resurfacing Beardesley Street to S.W. 9th Street
CONTRACTOR: OMG Midwest Inc. d/b/a Des Moines Asphalt & Paving


FINAL PAYMENT (PAYMENT NO. 3)

LINE NO.	DESCRIPTION	UNIT	UNITS			TOTAL AMOUNT
			ESTIMATED	AUTHORIZED	CONSTRUCTED TO DATE	
DIVISION 1						
0010	Granular Material	TON	200.00	200.000	576.560	\$22,849.07
0020	Cleaning and Preparation of Base	MILE	1.24	1.240	1.240	\$544.69
0030	Pavement Scarification	SY	195.00	195.000	195.000	\$3,900.00
0040	HMA (IMESAL) Intermediate, 1/2"	TON	4,100.00	4100.000	4112.830	\$197,415.84
0050	HMA (IMESAL) Surf, 1/2", No Fric	TON	1,750.00	1750.000	1782.780	\$85,573.44
0060	Asphalt Binder, PG 58-28	TON	225.50	225.500	213.770	\$122,041.29
0070	Asphalt Binder, PG 64-22	TON	96.25	96.250	88.300	\$49,439.17
0080	Hot Mix Asphalt Pavement Sample	LS	1.00	1.000	1.000	\$3,923.74
0090	Safety Closure	EACH	4.00	4.000	0.000	\$0.00
0100	Painted Pavement Marking, Waterborne/Solvent	STA	262.00	262.000	259.680	\$4,100.35
0110	Traffic Control	LS	1.00	1.000	1.000	\$3,135.00
0120	Mobilization	LS	1.00	1.000	1.000	\$5,965.89
TOTAL CONTRACT AMOUNT PLUS CHANGE ORDERS			\$498,888.48			
PARTIAL PAYMENT No. 1			\$429,936.85			
PARTIAL PAYMENT No. 2			\$53,984.98			
THIS PARTIAL PAYMENT			\$0.00			
TOTAL PARTIAL PAYMENTS			\$483,921.83			
TOTAL						\$498,888.48
RETAINAGE						\$14,966.65
TOTAL LESS RETAINAGE						\$483,921.83
LESS PREVIOUS PAYMENT						\$483,921.83
AMOUNT DUE						\$0.00

FINAL PAYMENT (PAYMENT NO. 3)

PREPARED BY: 

CHECKED BY: 

CONTRACTOR: 

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