

DATE November 23, 2009

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT
FOR SE 5TH STREET OVER YEADER CREEK BRIDGE REHABILITATION, HERBERGER
CONSTRUCTION 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 SE 5th Street over Yeader Creek Bridge Rehabilitation, 12-2006-003, in accordance with the contract approved between Herberger Construction Co., Inc., Dean Herberger, President, 2508 West 2nd Avenue, Indianola, IA 50125, under Roll Call No. 08-426, of March 10, 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 \$324,219.34 is the total construction cost of which \$304,887.81 has been paid to the Contractor, with a final partial payment of \$3,120.56 to be paid now, and the remaining balance of \$16,210.97 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 \$16,210.97 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.

★ **Roll Call Number**

Agenda Item Number

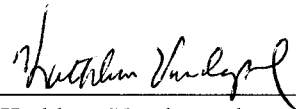
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DATE November 23, 2009

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.

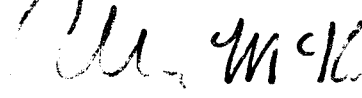
Moved by _____ to adopt.

FORM APPROVED:




Kathleen Vanderpool
Deputy City Attorney

FUNDS AVAILABLE



Allen McKinley
Des Moines Finance Director

 Funding Source: 2009-2010 CIP, Page Bridge-14, SE Fifth Street Bridge over Yeader Creek, BRV038, Various Funding, Being: \$259,375.47 Federal funds (80% construction with maximum of \$336,000) and \$64,843.87 in Gaming Monies from the Agreement with Polk County and The Racing Association of Central Iowa

STP-U-1945(734)--70-77

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.

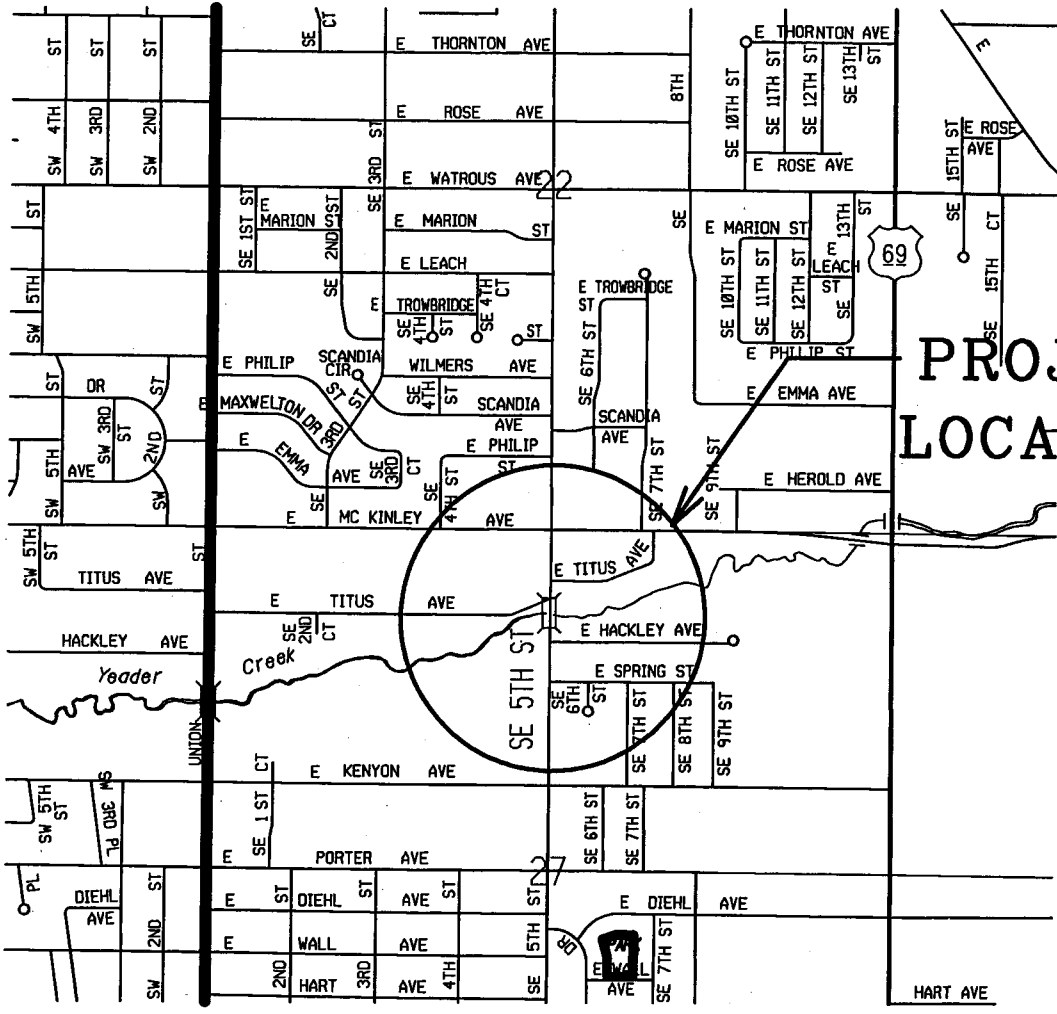
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

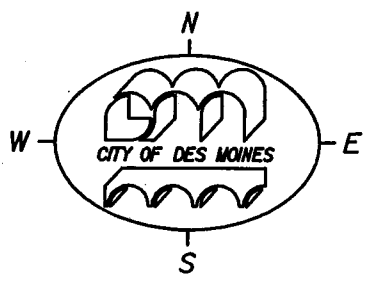
MOTION CARRIED APPROVED

Mayor

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**PROJECT
LOCATION**



**S.E. 5TH STREET BRIDGE
OVER YEADER CREEK
REHABILITATION
ACTIVITY ID 12-2006-003**

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PROJECT SUMMARY

SE 5th St Over Yeader Ck. Bridge Rehab.

Activity ID 12-2006-003

SE 5th Street over Yeader Creek Bridge Rehabilitation,
City Activity ID: 12-2006-003,
IDOT Project No: STP-U-1945(734)--70-77,

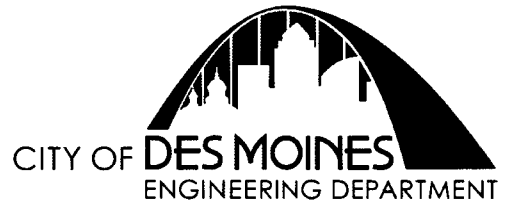
On March 10, 2008, under Roll Call 08-426, the City Council awarded the contract for the above improvement to Herberger Construction Co., Inc. in the amount of \$327,279.90. This project consist of bridge rehabilitation utilizing Class 'A' and 'B' bridge deck repairs, bridge overlay, removal and replacement of approach pavement and sidewalk, removal and replacement of barrier rails and ornamental railings, revetment, galvanic corrosion protection, grooving, clearing and grubbing, channel excavation, pavement markings and traffic control all in accordance with the contract documents including Plan File Nos. 480-051/064 on the SE 5th Street over Yeader Creek Bridge in Des Moines, Iowa

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	7/24/2008 This change order includes the addition of 3 inches to the height to the proposed barrier wall.	Engineering	\$1,262.42
2	8/12/2008 This change order includes: the addition of a concrete flume, the addition of jute mesh slope protection, and the addition of detectable warning panels.	Engineering	\$2,215.00
3	4/28/2009 This Change Order adjust all plan quantities to match as-built quantities.	Engineering	(\$6,537.98)
Original Contract Amount			\$327,279.90
Total Change Orders			(\$3,060.56)
Percent of Change Orders to Original Contract			-0.94%
Final Contract Amount			\$324,219.34

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November 23, 2009



CERTIFICATION OF COMPLETION

AGENDA HEADING:

Accepting completed construction and approving final payment for the SE 5th Street over Yeader Creek Bridge Rehabilitation, Herberger Construction 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: \$324,219.34 As-Built Contract Cost

Funding Source: 2009-2010 CIP, Page Bridge-14, SE Fifth Street Bridge over Yeader Creek, BRV038, Various Funding, Being:

\$259,375.47 Federal funds (80% construction with maximum of \$336,000) and \$64,843.87 in Gaming Monies from the Agreement with Polk County and The Racing Association of Central Iowa

CERTIFICATION OF COMPLETION:

On March 10, 2008, under Roll Call No. 08-426, the City Council awarded a contract to Herberger Construction Co., Inc., Dean Herberger, President, 2508 West 2nd Avenue, Indianola, IA 50125 for the construction of the following improvement:

SE 5th Street over Yeader Creek Bridge Rehabilitation, 12-2006-003

The improvement includes bridge rehabilitation utilizing Class 'A' and 'B' bridge deck repairs, bridge overlay, removal and replacement of approach pavement and sidewalk, removal and replacement of barrier rails and ornamental railings, revetment, galvanic corrosion protection, grooving, clearing and grubbing, channel excavation, pavement markings and traffic control all in accordance with the contract documents including Plan File Nos. 480-051/064 on the SE 5th Street over Yeader Creek Bridge in Des Moines, Iowa

I hereby certify that the construction of said SE 5th Street over Yeader Creek Bridge Rehabilitation, Activity ID 12-2006-003, 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 May 6, 2008, and was completed on April 24, 2009.

I further certify that \$324,219.34 is the total cost of said improvement, of which \$304,887.81 has been paid the Contractor and \$3,120.56 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$16,210.97 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.



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



ESTIMATE OF CONSTRUCTION COMPLETED
FOR WORK DONE FROM 8/6/2008 TO 4/22/2009
PARTIAL PAYMENT NO. 4 (FINAL)

Proj No.: STP-U-1945(734)--70-77
Activity ID: 12-2006-003
4/22/2009

PROJECT: SE 5TH STREET OVER YEADER CREEK BRIDGE REHABILITATION
CONTRACTOR: HERBERGER CONSTRUCTION CO., INC.

LINE NO.	DESCRIPTION	UNIT	UNITS				TOTAL AMOUNT
			ESTIMATED	AUTHORIZED	CONSTRUCTED TO DATE	UNIT PRICE	
1	Clearing & Grubbing	ACRE	0.200	0.200	0.200	\$50,000.00	\$10,000.00
2	Excavation, Class 10, Channel	CY	75.000	75.000	75.000	\$7.00	\$525.00
3	Shoulder Construction, Earth	STA	0.600	0.600	0.600	\$370.00	\$222.00
4	Bridge Approach Pavement, As Per Plan	SY	104.200	104.200	104.200	\$200.00	\$20,840.00
5	Std/Slip-Form PCC Pavt, Cl. C, Cl. 3, 7 in.	SY	123.400	123.400	123.400	\$56.00	\$6,910.40
6	Adjustment of Fixtures	EACH	2.000	2.000	2.000	\$475.00	\$950.00
7	Removals, As Per Plan	LS	1.000	1.000	1.000	\$29,000.00	\$29,000.00
8	Structural Concrete (Bridge)	CY	38.700	38.700	38.700	\$1,620.00	\$62,694.00
9	Reinforcing Steel, Epoxy Coated	LB	15,734.000	15,734.000	15,734.000	\$1.40	\$22,027.60
10	Longitudinal Grooving in Concrete (CO #3)	SY	592.500	678.000	678.000	\$5.00	\$3,390.00
11	Bridge Floor Overlay (Class O PCC)	SY	462.000	462.000	462.000	\$100.00	\$46,200.00
12	Bridge Floor Repair, Class A (CO #3)	SY	20.000	7.100	7.100	\$180.00	\$1,278.00
13	Bridge Floor Repair, Class B (CO #3)	SY	5.000	0.000	0.000	\$410.00	\$0.00
14	Concrete Barrier Railing	LF	279.000	279.000	279.000	\$40.00	\$11,160.00
15	Steel Pipe Pedestrian Hand Railing	LF	230.500	230.500	230.500	\$36.00	\$8,298.00
16	Ornamental Metal Railing	LF	267.170	267.170	267.170	\$80.00	\$21,373.60
17	Remove and Stockpile Existing Handrail	LS	1.000	1.000	1.000	\$3,000.00	\$3,000.00
18	Engineering Fabric	SY	490.000	490.000	490.000	\$2.25	\$1,102.50
19	Retement, Class E (CO #3)	TON	355.000	371.830	371.830	\$44.00	\$16,360.52
20	Removal of Pavement (CO #3)	SY	227.600	219.600	219.600	\$18.00	\$3,952.80
21	Removal of Sidewalk	SY	57.500	57.500	57.500	\$11.00	\$632.50
22	Sidewalk, PCC 4 in.	SY	57.500	57.500	57.500	\$40.00	\$2,300.00
23	Safety Closure	EACH	3.000	3.000	3.000	\$100.00	\$300.00
24	Traffic Control	LS	1.000	1.000	1.000	\$5,000.00	\$5,000.00
25	Mobilization	LS	1.000	1.000	1.000	\$27,000.00	\$27,000.00
26	Temporary Stream Access (CO #3)	LS	1.000	0.000	0.000	\$1,500.00	\$0.00
27	Casting, Type B (CO #3)	EACH	2.000	0.000	0.000	\$440.00	\$0.00
28	Galvanic Corrosion Protection	LS	1.000	1.000	1.000	\$15,000.00	\$15,000.00
29	Mulching	ACRE	0.500	0.500	0.500	\$350.00	\$175.00

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