

DATE December 22, 2008

ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR ADA PHASE 1 EXTERIOR IMPROVEMENTS, T K CONCRETE 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 ADA Phase 1 Exterior Improvements, 10-2008-002, in accordance with the contract approved between T K Concrete Inc., Tony J. VerMeer, President, 1608 Fifield Road, Pella, IA 50219, under Roll Call No. 07-2260, of November 19, 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 \$37,870.44 is the total cost, of which \$35,976.92 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 \$1,893.52 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.

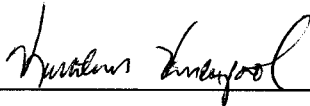
BE IT FURTHER RESOLVED: That the Engineering Department be and is hereby authorized and directed to notify all persons and firms with outstanding Chapter 573 claims against said project, that the project has been given final acceptance as completed by this City Council, that they have 60 days from such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

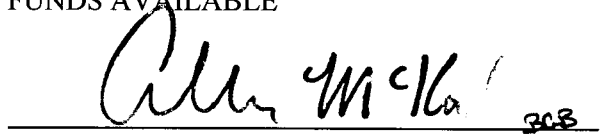
BE IT FURTHER RESOLVED: That the Des Moines Finance Director be and is hereby authorized to release said retainage if suit is not filed as above provided.

Moved by _____ to adopt.

FORM APPROVED:

FUNDS AVAILABLE





Kathleen Vanderpool
Deputy City Attorney

Allen McKinley
Des Moines Finance Director

M Funding Source: 2008-2009 CIP, Page Buildings-4, ADA Modifications for Municipal Buildings, BLD042, G. O. Bonds

Roll Call Number

Agenda Item Number

★

10A

Date December 22, 2008

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLISSIS				
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.

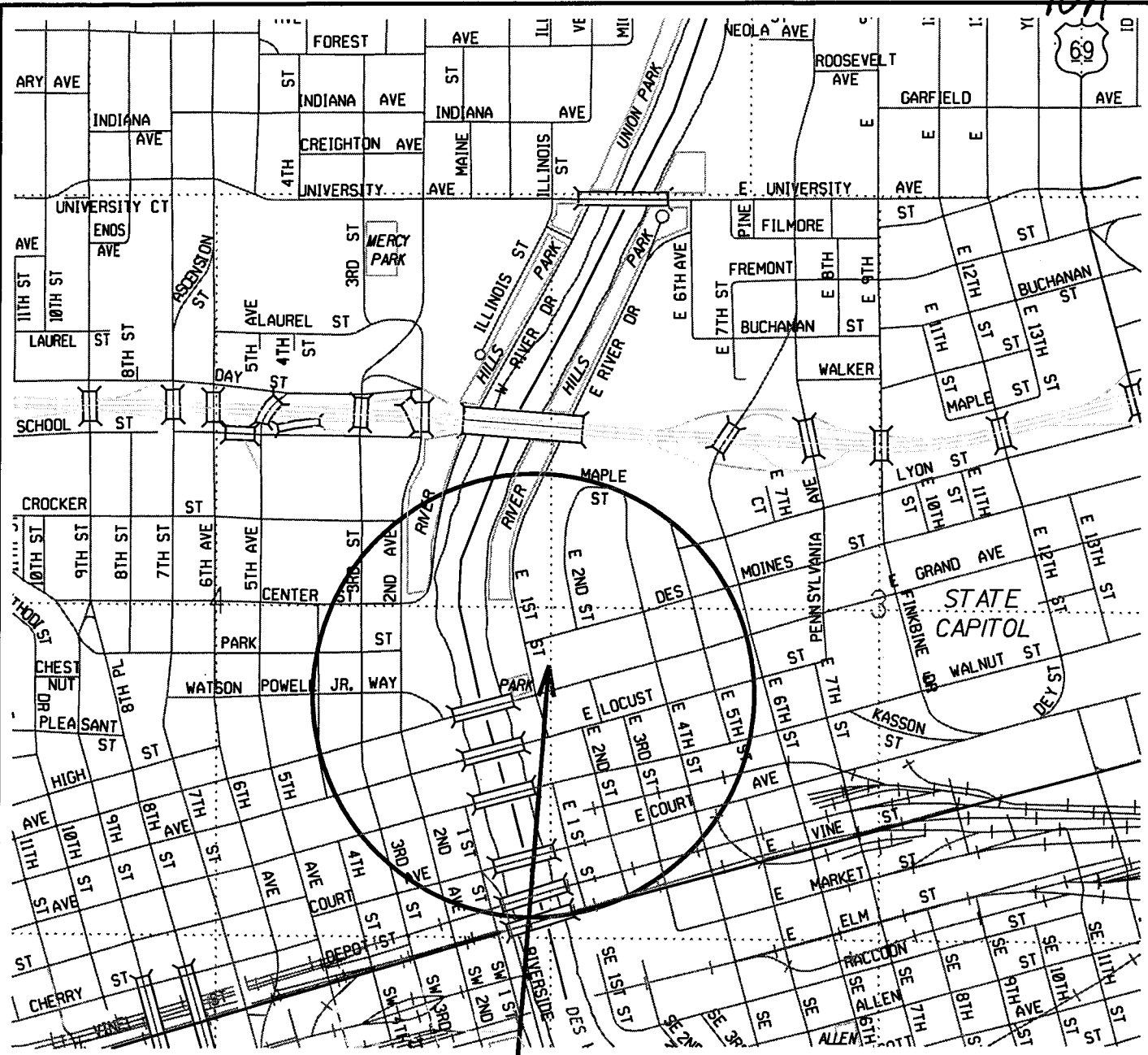
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

_____ Mayor

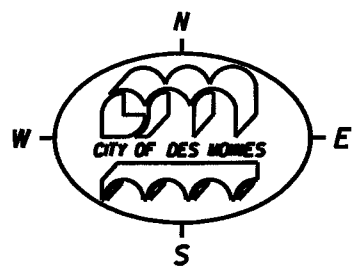
_____ City Clerk

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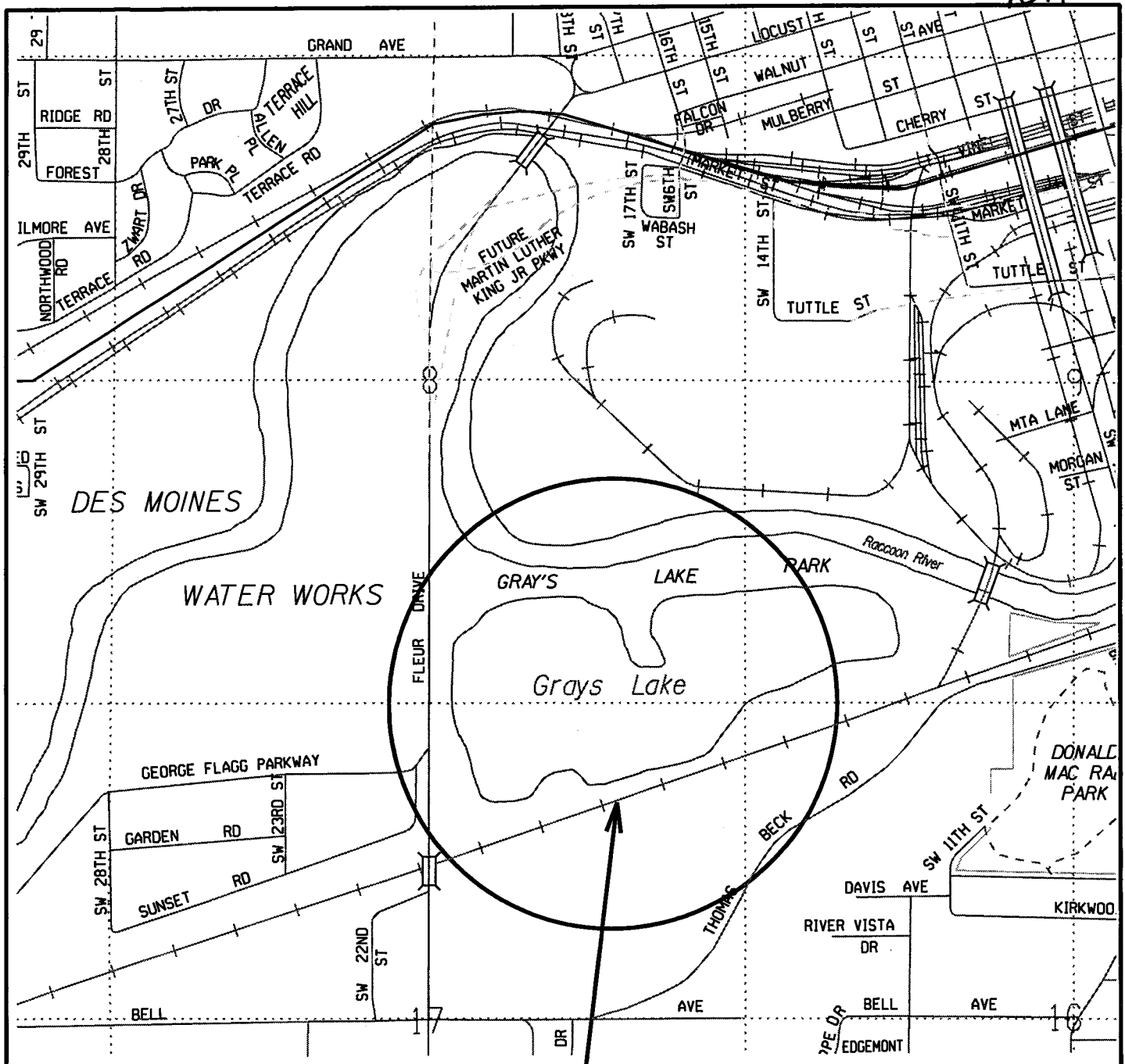


**PROJECT
LOCATION**

**ARGONNE ARMORY
602 ROBERT D. RAY DRIVE
ADA PHASE 1
EXTERIOR IMPROVEMENTS
ACTIVITY I.D. 10-2008-002**

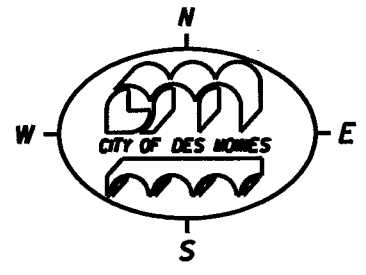


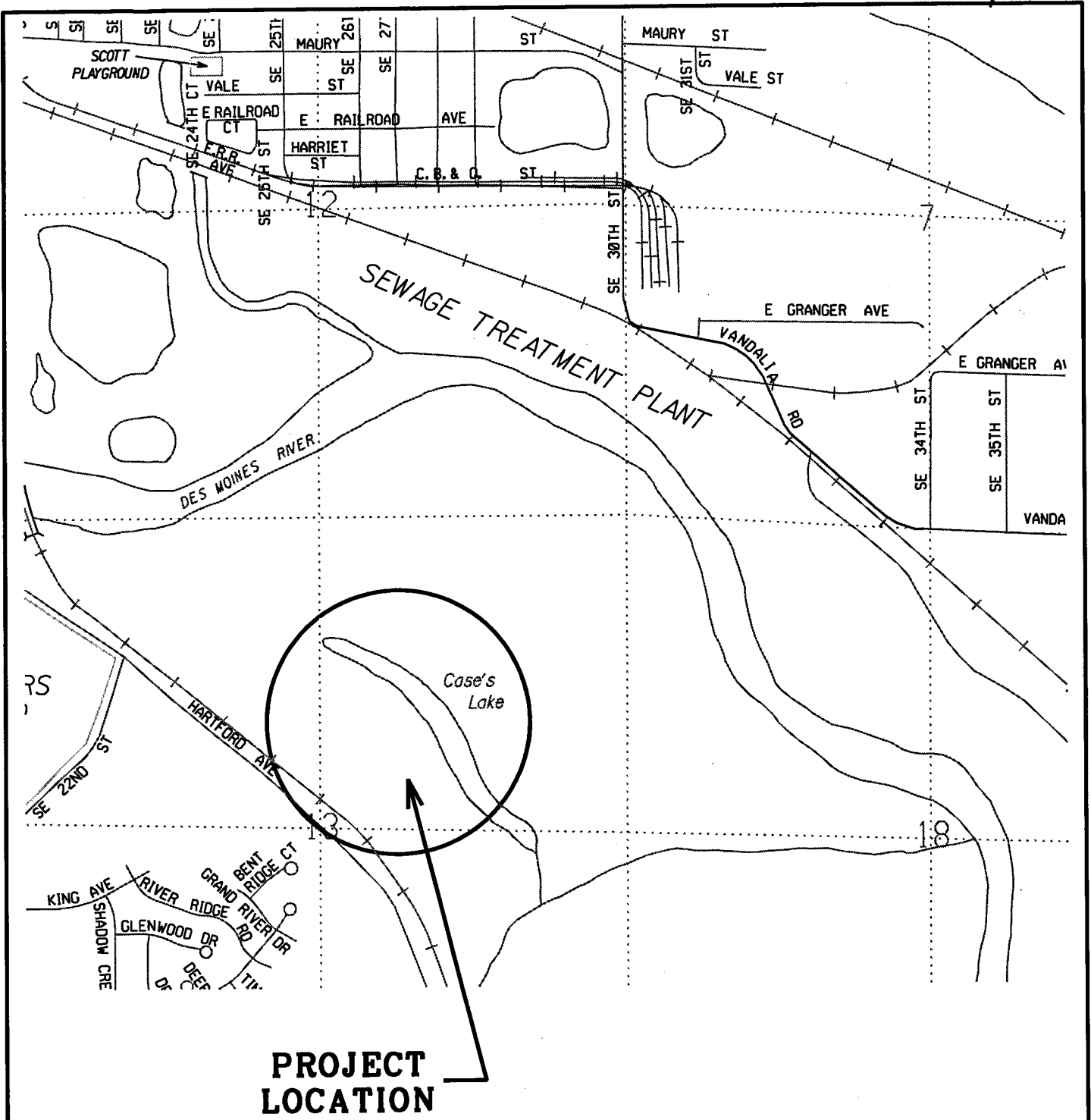
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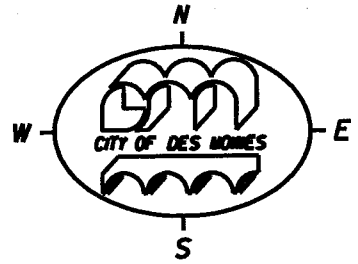
**PROJECT
LOCATION**

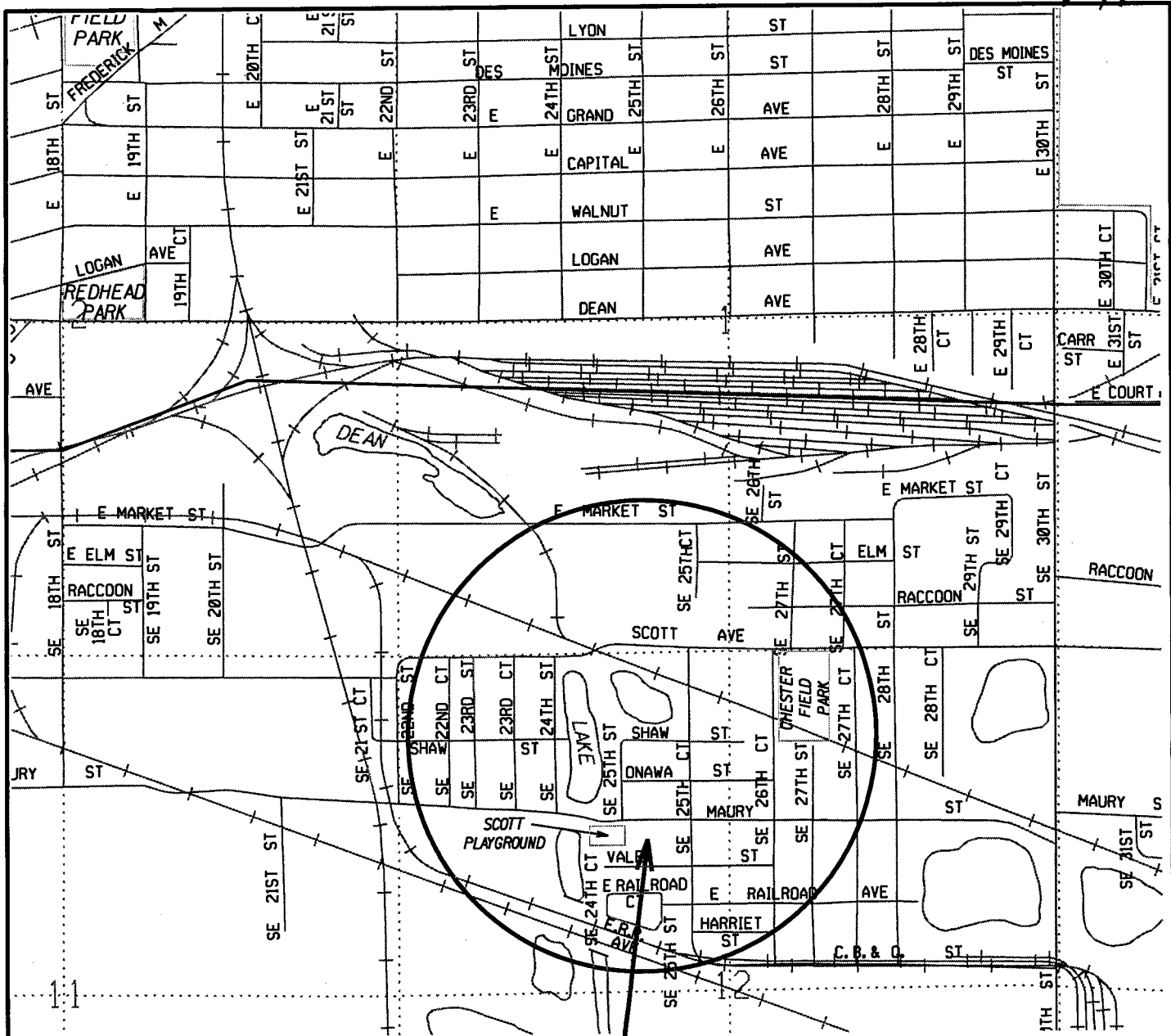
**GRAY'S LAKE
FLEUR DRIVE
ADA PHASE 1
EXTERIOR IMPROVEMENTS
ACTIVITY I.D. 10-2008-002**





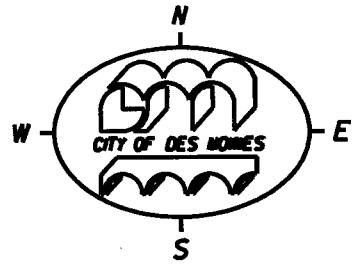
COWNIE SOCCER PARK
2600 HARTFORD
ADA PHASE 1
EXTERIOR IMPROVEMENTS
ACTIVITY I.D. 10-2008-002





**PROJECT
LOCATION**

**SE/CHESTERFIELD COMMUNITY CENTER
2501 SE MAURY
ADA PHASE 1
EXTERIOR IMPROVEMENTS
ACTIVITY I.D. 10-2008-002**



PROJECT SUMMARY

ADA Phase 1 Exterior Improvements

Activity ID 10-2008-002

On November 19, 2007, by Roll Call No. 07-2260, the City Council awarded the contract for the above improvement to TK Concrete, Inc., in the amount of \$25,772.00 for exterior ADA compliance improvements at four locations through out the City.

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	6/4/2008 signage and pavement marking additions/changes at Cownie Soccer Park & Gray's Lake. Existing foundations removed for ramp footings at Chesterfield. HC stall redesign at the Armory and curb ramp added at cross walk.	Contractor	\$12,098.44
Original Contract Amount			\$25,772.00
Total Change Orders			\$12,098.44
Percent of Change Orders to Original Contract			46.94%
Final Contract Amount			\$37,870.44

December 22, 2008

CERTIFICATION OF COMPLETION

AGENDA HEADING:

Accepting completed construction and approving final payment for the ADA Phase 1 Exterior Improvements, T K Concrete 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: \$37,870.44 As-Built Contract Cost

Funding Source: 2008-2009 CIP, Page Buildings-4, ADA Modifications for Municipal Buildings, BLD042, G. O. Bonds

CERTIFICATION OF COMPLETION:

On November 19, 2007, under Roll Call No. 07-2260, the City Council awarded a contract to T K Concrete Inc., Tony J. VerMeer, President, 1608 Fifield Road, Pella, IA 50219 for the construction of the following improvement:

ADA Phase 1 Exterior Improvements, 10-2008-002

The improvement includes site improvements to resolve non-ADA compliant items listed in the ADA Transition Plan as approved by the Access Advisory Board; all work in accordance with the contract documents including Plan File Nos.474-109/115 at multiple locations, Argonne Armory Building, Cownie Soccer Park, Gray's Lake, and SE/Chesterfield Community Center in Des Moines, Iowa

I hereby certify that the construction of said ADA Phase 1 Exterior Improvements, Activity ID 10-2008-002, 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 14, 2008, and was completed on December 9, 2008.



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 \$37,870.44 is the total cost of said improvement, of which \$35,976.92 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 \$1,893.52 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

To Jill 515-237-1814

TO OWNER: City of Des Moines
PROJECT: ADA Phase I Exterior Improvements
APPLICATION NO.: 3
PERIOD TO: 8-25-08
PROJECT NOS.: 14325
DISTRIBUTION TO:
 OWNER
 ARCHITECT
 CONTRACTOR

FROM CONTRACTOR: TK Concrete, Inc
VIA ARCHITECT:

CONTRACT FOR: Concrete work
CONTRACTOR: TK Concrete, Inc
Date: 8-25-08

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

- 1. ORIGINAL CONTRACT SUM \$ 25,772.00
- 2. Net change by Change Orders \$ 12,098.44
- 3. CONTRACT SUM TO DATE (Line 1 + 2) \$ 37,870.44
- 4. TOTAL COMPLETED & STORED TO DATE \$ 37,870.44
(Column G on G703)
- 5. RETAINAGE:
 - a. 5% of Completed Work \$ 1,893.52
(Columns D + E on G703)
 - b. % of Stored Material \$
(Column F on G703)
- Total Retainage (Line 5a + 5b or Total in Column I of G703) \$ 1,893.52
- 6. TOTAL EARNED LESS RETAINAGE \$ 35,976.92
(Line 4 less Line 5 Total)
- 7. LESS PREVIOUS CERTIFICATES FOR PAYMENT \$ 35,976.92
(Line 6 from prior Certificate)
- 8. CURRENT PAYMENT DUE \$ 0.00
- 9. BALANCE TO FINISH, INCLUDING RETAINAGE \$ 1,893.52
(Line 3 less Line 6)

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	12,098.44	
Total approved this Month		
TOTALS	12,098.44	
NET CHANGES by Change Order	12,098.44	

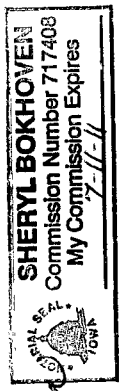
The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: TK Concrete, Inc

By: Tracy J. Van Meter Date: 8-25-08

State of: Iowa
County of: Marion

Subscribed and sworn to before me this 25th day of August, 2008



Notary Public: Sheryl Bokhoven
My Commission expires: 7-11-11

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$ 0.00
(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT: Judy Jemley Date: 12/8/08
This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

DA