

DATE February 28, 2011

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT  
FOR COURT AVENUE & WATER STREET GATEWELL AND RIVER OUTLET,  
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 Court Avenue & Water Street Gatewell and River Outlet, 08-2010-006, in accordance with the contract approved between Herberger Construction Co., Inc., Dean Herberger, President, 2508 West 2nd Avenue, P.O. Box 326, Indianola, IA 50125, under Roll Call No. 10-092, of January 25, 2010, 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 \$479,484.65 is the total cost, of which \$455,265.32 has been paid the Contractor, and \$245.10 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$23,974.23 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.

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*

Kathleen Vanderpool  
Deputy City Attorney

FUNDS AVAILABLE

*Allen McKinley*

Allen McKinley  
Des Moines Finance Director

*JB* Funding Source: 2010-2011 CIP, Page Storm-6, Court Avenue/Water Street Sewer Separation, STE081, Being: \$313,966.55 in HUD Disaster funds (Federal Jumpstart Infrastructure Assistance funds) from the Iowa Department of Economic Development being 65.48% of Phase 1 outlet structure construction costs, \$153,435.09 in I-JOBS II Targeted Disaster Relief Grant funds being 32% of project cost, and the remaining \$12,083.01 in City Storm Water Utility funds from STE081 08-DRI-032

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED APPROVED

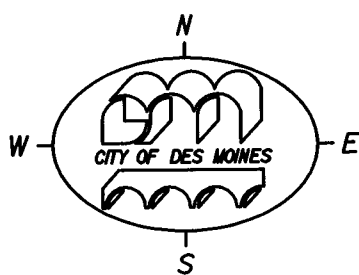
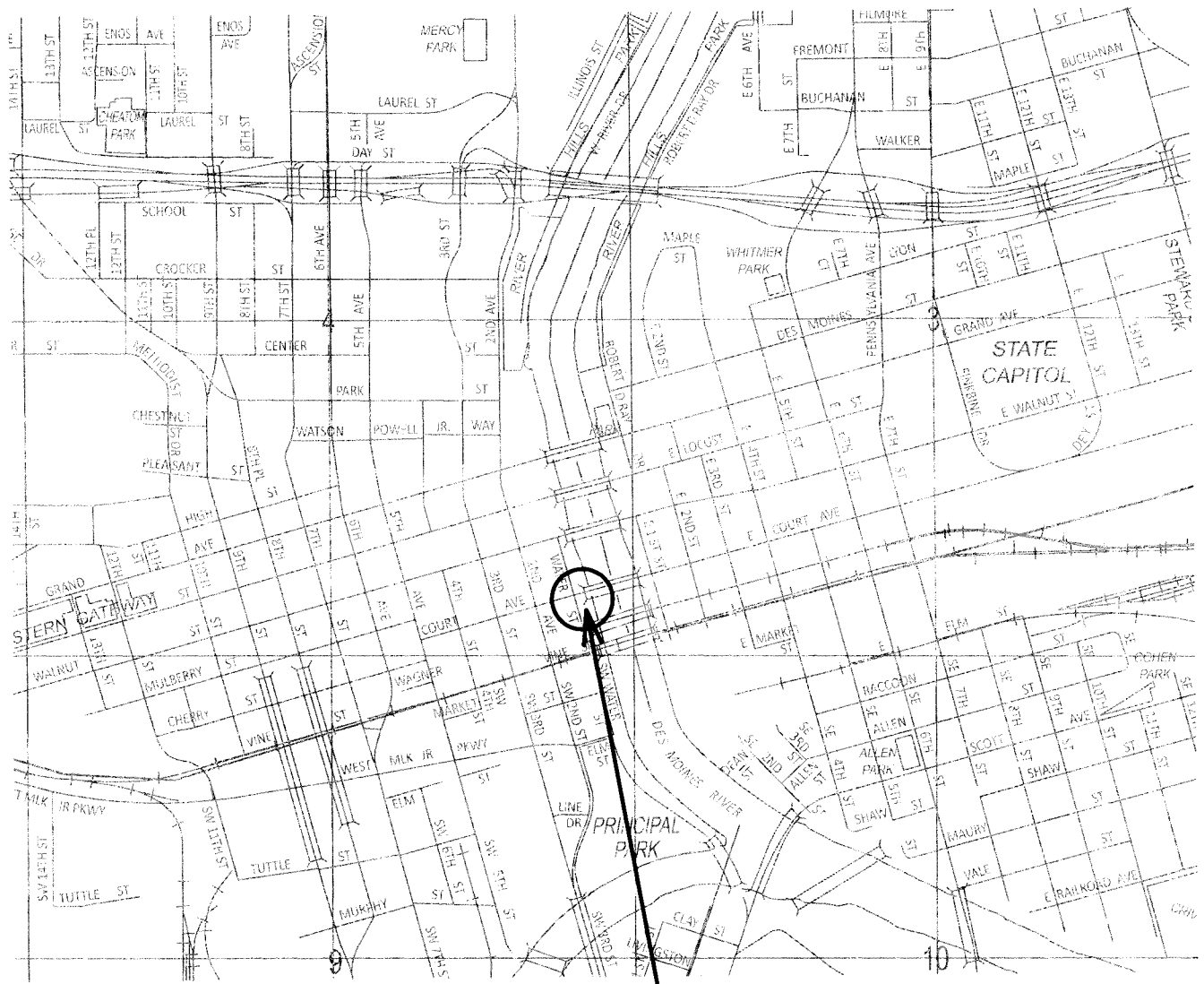
\_\_\_\_\_  
Mayor

**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



**PROJECT  
LOCATION**

**COURT AVENUE & WATER STREET  
GATEWELL AND RIVER OUTLET**

**ACTIVITY I.D. 08-2010-006**

# PROJECT SUMMARY

## Court & Water Gatewell and River Outlet Activity ID 08-2010-006

On January 25, 2010, under Roll Call No. 10-092, the City Council awarded the contract for the Court Avenue & Water Street Gatewell and River Outlet Project to Herberger Construction, Inc. The project includes a storm water pump station gatewell and outlet structure, 72" diameter storm sewer, sheet pile construction, and miscellaneous associated work including cleanup and other incidental items.

South of Court Avenue and East of Water Street along the west Des Moines River Levee in downtown Des Moines, Iowa

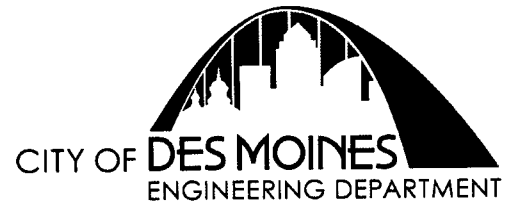
Tabulated below is a history of project change orders.

<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
1	5/4/2010 Modifications have been made on the Court Avenue Pump Station that affects the gatewell construction. These changes include the additional reinforcing dowels, an electric gatewell operator, and temporary gate closures. The Contractor was also required to provide a project sign.	Consultant	\$20,536.00
2	7/23/2010 The Contractor provided personnel and equipment to prepare areas for an archeological investigation along Court Avenue between Water Street and 2nd Avenue.	Engineering	\$24,700.50
3	8/11/2010 Provided personnel and equipment to prepare areas for an archeological investigation along Grand Avenue between 2nd Avenue and 3rd Street.	Engineering	\$24,449.75
4	9/2/2010 Provide personnel and equipment to prepare areas for an archeological investigation along Grand Avenue between 2nd Avenue and 3rd Street.	Engineering	\$24,390.00
5	12/2/2010 Adjust contract quantities to match as-built quantities	Engineering	(\$4,978.60)

<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
	<b>Original Contract Amount</b>		\$390,387.00
	<b>Total Change Orders</b>		\$89,097.65
	<b>Percent of Change Orders to Original Contract</b>		22.82%
	<b>Final Contract Amount</b>		\$479,484.65 ✓

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February 28, 2011



**CERTIFICATION OF COMPLETION**

**AGENDA HEADING:**

Accepting completed construction and approving final payment for the Court Avenue & Water Street Gatewell and River Outlet, 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: \$479,484.65 As-Built Contract Cost

Funding Source: 2010-2011 CIP, Page Storm-6, Court Avenue/Water Street Sewer Separation, STE081, Being: \$313,966.55 in HUD Disaster funds (Federal Jumpstart Infrastructure Assistance funds) from the Iowa Department of Economic Development being 65.48% of Phase 1 outlet structure construction costs, \$153,435.09 in I-JOBS II Targeted Disaster Relief Grant funds being 32% of project cost, and the remaining \$12,083.01 in City Storm Water Utility funds from STE081

**CERTIFICATION OF COMPLETION:**

On January 25, 2010, under Roll Call No. 10-092, the City Council awarded a contract to Herberger Construction Co., Inc., Dean Herberger, President, 2508 West 2nd Avenue, P.O. Box 326, Indianola, IA 50125 for the construction of the following improvement:


Court Avenue & Water Street Gatewell and River Outlet, 08-2010-006

The improvement includes construction of a storm water pump station gatewell and outlet structure, 72" diameter storm sewer, and sheet pile construction and miscellaneous associated work including cleanup and other incidental items; in accordance with the contract documents, including Plans File Nos. 509-008/014, south of Court Avenue and east of Water Street along the west Des Moines River Levee in downtown Des Moines, Iowa

I hereby certify that the construction of said Court Avenue & Water Street Gatewell and River Outlet, Activity ID 08-2010-006, 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 March 1, 2010, and was completed on February 18, 2011.

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I further certify that \$479,484.65 is the total cost of said improvement, of which \$455,265.32 has been paid the Contractor and \$245.10 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$23,974.23 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, reading "Jeb E. Brewer" with a small "P.E." to the right.

Jeb E. Brewer, P.E.

Des Moines City Engineer



ENGINEERING DEPARTMENT  
CITY OF DES MOINES, IOWA



ESTIMATE OF CONSTRUCTION COMPLETED

FOR WORK DONE FROM 11/19/10 to 11/23/10

FINAL PAYMENT (PAYMENT NO. 7)

Proj No: 08-2010-006  
Activity ID: 08-2010-006  
Date: 1/19/11

PROJECT: COURT AVENUE & WATER STREET GATEWELL AND RIVER OUTLET  
CONTRACTOR: HERBERGER CONSTRUCTION, INC.


LINE NO.	DESCRIPTION	UNIT	UNITS			TOTAL AMOUNT
			ESTIMATED	AUTHORIZED	CONSTRUCTED TO DATE	
1	Mobilization	LS	1.0	1.000	1.00	\$6,500.00
2	Traffic Control	LS	1.0	1.000	1.00	\$1,800.00
3	Sidewalk, Driveway, Removal/Disposal	SY	116.0	126.700	126.7	\$1,520.40
4	Existing Steel Sheet Piling Modifications	LS	1.0	1.000	1.0	\$27,500.00
5	PZ-22 Steel Sheet Piling	LS	1.0	1.000	1.0	\$35,000.00
6	Storm Sewer, 72" Class 4 RCP, Gasketed	LF	41.0	41.000	41.0	\$52,275.00
7	Concrete Cradle	LF	34.0	34.000	34.0	\$12,410.00
8	Junction Structure	LS	1.0	1.000	1.0	\$97,500.00
9	Gatewell	LS	1.0	1.000	1.0	\$145,000.00
10	Seeding, Fertilizing and Mulching	Acre	0.3	0.000	0.0	\$5,000.00
11	Sod	SQ	5.0	0.000	0.0	\$0.00
12	Compost Filter Tube	LF	360.0	258.000	258.0	\$645.00
13	Removal of Compost Filter Tube	LF	360.0	258.000	258.0	\$258.00
14	Temporary Chain Link Fence	LS	1.0	1.000	1.0	\$3,000.00
15	Construction Staking	LS	1.0	1.000	1.0	\$2,000.00
16	Flagger	Days	10.0	0.000	0.0	\$0.00
1.01	Project Sign	LS	0.0	1.000	1.0	\$900.00
1.02	Additional Reinforcing Dowels	LS	0.0	1.000	1.0	\$1,200.00
1.03	Electric Gatewell Operator	LS	0.0	1.000	1.0	\$14,369.00
1.04	Temporary Gatewell Closure	EACH	0.0	2.000	2.0	\$2,033.50
2.01	Excavator, Operator, and Trench Box	HOUR	0.0	107.000	107.0	\$195.00
2.02	Pavement Removal	SY	0.0	161.600	161.6	\$90.00
2.03	Sidewalk Replacement	SY	0.0	48.000	48.0	\$50.00
2.04	Pavement Restoration, Composite Patch	SY	0.0	113.600	113.6	\$250.00
3.01	Temporary Barrier Rail	LF	0.0	112.500	112.5	\$38.50
3.02	Traffic Control	LS	0.0	1.000	1.0	\$3,000.00

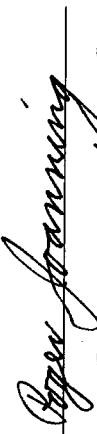
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LINE NO.	DESCRIPTION	UNIT	UNITS		CONSTRUCTED TO DATE	UNIT PRICE	TOTAL AMOUNT
			ESTIMATED	AUTHORIZED			
	TOTAL CONTRACT AMOUNT PLUS CHANGE ORDERS		\$479,484.65				
	PARTIAL PAYMENT NO. 1		\$70,026.87				
	PARTIAL PAYMENT NO. 2		\$108,409.25				
	PARTIAL PAYMENT NO. 3		\$145,368.53				
	PARTIAL PAYMENT NO. 4		\$23,892.97				
	PARTIAL PAYMENT NO. 5		\$23,227.27				
	PARTIAL PAYMENT NO. 6		\$84,340.43				
	THIS PARTIAL PAYMENT		\$245.10				
	TOTAL PARTIAL PAYMENTS		\$455,510.42				
	TOTAL						\$479,484.65
	RETAINAGE						\$23,974.23
	TOTAL LESS RETAINAGE						\$455,510.42
	LESS PREVIOUS PAYMENT						\$455,265.32
	AMOUNT DUE						\$245.10

FINAL PAYMENT (PAYMENT NO. 7)

PREPARED BY: 

CHECKED BY: 

CONTRACTOR: 