

DATE March 28, 2011

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT  
FOR EWING PARK ADA IMPROVEMENTS, T K CONCRETE INC.**

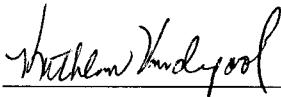
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the attached report of the Jurisdictional Engineer, showing the cost of the construction of the Ewing Park ADA Improvements, 10-2009-011, in accordance with the contract approved between T K Concrete Inc., Tony J. VerMeer, President, 1608 Fifield Road, Pella, IA 50219, under Roll Call No. 09-798, of May 4, 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 \$140,667.41 is the total cost, of which \$133,634.05 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 \$7,033.36 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  
Deputy City Attorney

FUNDS AVAILABLE



Scott E. Sanders  
Des Moines Finance Director

 Funding Source: 2011-2012 CIP, Page Building-4, ADA Modifications for Municipal Buildings, BLD042, G. O. Bonds

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

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

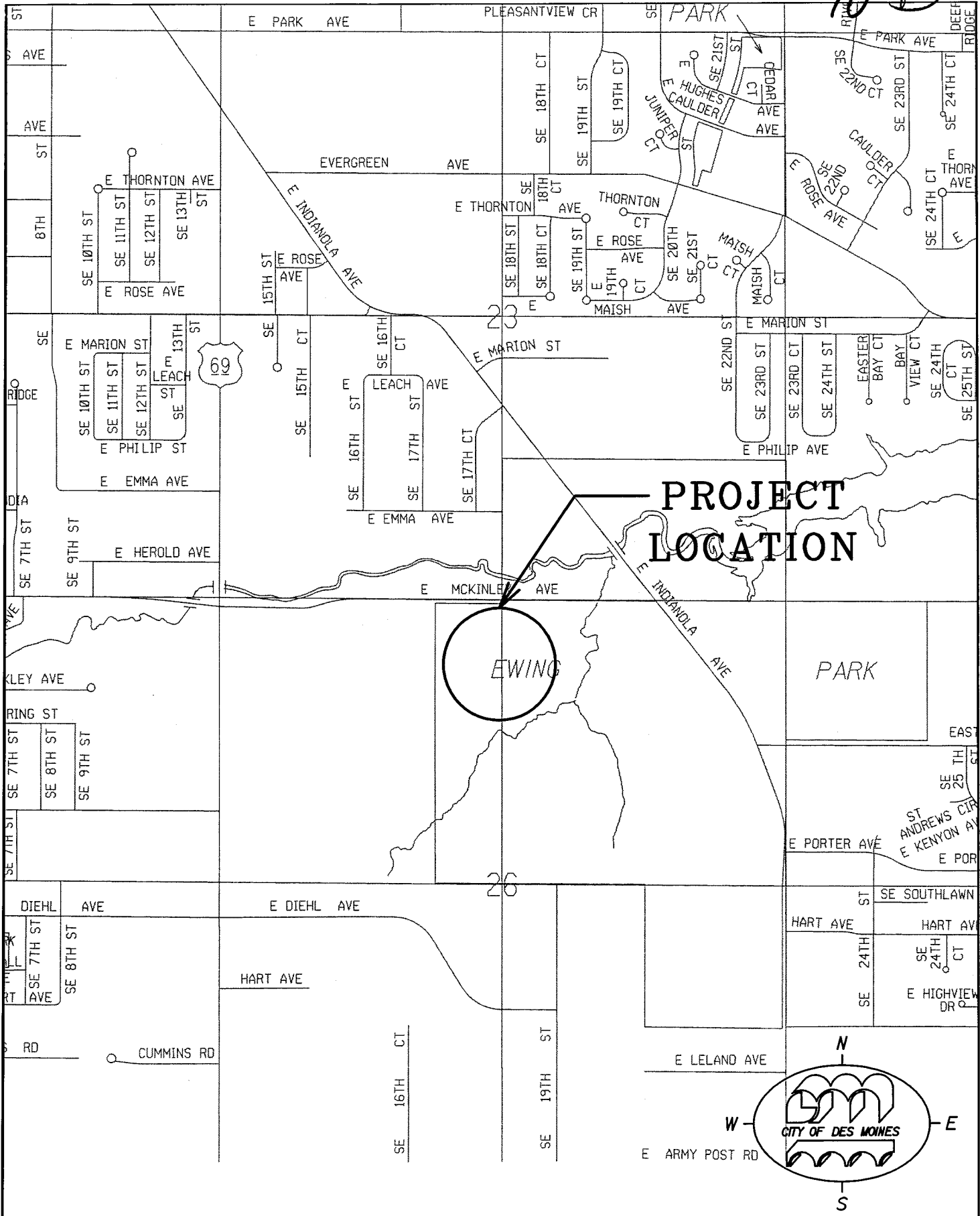
**CERTIFICATE**

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

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# EWING PARK ADA IMPROVEMENTS ACTIVITY I.D. 10-2009-011

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# PROJECT SUMMARY

## Ewing Park ADA Improvements

### Activity ID 10-2009-011

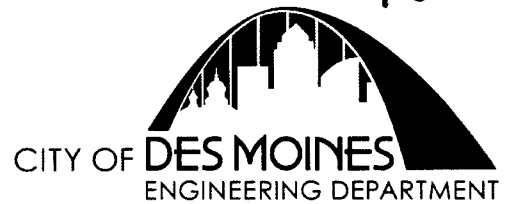
On May 4, 2009, under Roll Call No. 09-798, the City Council awarded the contract for the Ewing Park ADA Improvements to T K Concrete Inc. The project includes renovating the existing restroom facilities, providing accessible parking and sidewalks to access existing park facilities including existing covered park shelter, BMX track and Soap Box Derby complexes at Ewing Park, 5300 Indianola Road, 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	7/24/2009 Restroom changes requested by Parks Dept. Deck modifications required by Permit and Development.	User	\$17,762.07
2	1/8/2010 Add sod and watering in areas adjacent to the Soap Box Derby facilities. Deduct seeding originally specified in these areas.	User	\$12,367.60
3	1/11/2010 Add additional modified sub-base material (Bid Item 3) due to wet soil conditions.	Contractor	\$2,538.12
4	1/14/2010 Delete all work in the vicinity of the BMX track facility.	User	(\$7,888.38)
<b>Original Contract Amount</b>			\$115,888.00
<b>Total Change Orders</b>			\$24,779.41
<b>Percent of Change Orders to Original Contract</b>			21.38%
<b>Final Contract Amount</b>			\$140,667.41 ✓

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March 28, 2011



**CERTIFICATION OF COMPLETION**

**AGENDA HEADING:**

Accepting completed construction and approving final payment for the Ewing Park ADA 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: \$140,667.41 As-Built Contract Cost

Funding Source: 2011-2012 CIP, Page Building-4, ADA Modifications for Municipal Buildings, BLD042, G. O. Bonds

**CERTIFICATION OF COMPLETION:**

On May 4, 2009, under Roll Call No. 09-798, 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:

Ewing Park ADA Improvements, 10-2009-011

The improvement includes renovating the existing restroom facilities, providing accessible parking and sidewalks to access existing park facilities including existing covered park shelter, BMX track and Soap Box Derby complexes, in accordance with the contract documents, including Plan File Nos. 495-140/162 at Ewing Park, 5300 Indianola Road, Des Moines, Iowa

I hereby certify that the construction of said Ewing Park ADA Improvements, Activity ID 10-2009-011, 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 11, 2009, and was completed on March 22, 2011.

I further certify that \$140,667.41 is the total cost of said improvement, of which \$133,634.05 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 \$7,033.36 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

**APPLICATION AND CERTIFICATE FOR PAYMENT**

**AIA DOCUMENT G702**

TO: City of Des Moines  
 400 East 1st Street  
 Des Moines, IA 50309  
 Mark Dinges

PROJECT: Ewing Park  
 APPLICATION NO: 7  
 PERIOD ENDING: 9/10/10  
 DISTRIBUTION TO:  
 OWNER  
 ARCHITECT  
 CONTRACTOR

FROM: TK Concrete, Inc.  
 1608 Fifield Rd  
 Pella, IA 50219

FOR: Concrete work

**CONTRACTOR'S APPLICATION FOR PAYMENT**

CHANGE ORDER SUMMARY		ADDITIONS	DEDUCTIONS
CHANGE ORDERS APPROVED IN PREVIOUS MONTHS BY OWNER		\$24,779.41	
TOTAL			
APPROVED THIS MONTH			
NUMBER	DATE APPROVED		
TOTALS		\$24,779.41	
Net change by Change Orders			

The undersigned Contractor certifies that to the best of his 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 him 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:

BY: Anthony J. Waldman DATE: 3-8-11

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

- 1. ORIGINAL CONTRACT SUM ..... \$115,888.00
- 2. Net change by Change Orders ..... \$24,779.41
- 3. CONTRACT SUM TO DATE ..... \$140,667.41
- 4. TOTAL COMPLETED & STORED TO DATE ..... \$140,667.42

- 5. RETAINAGE:
  - a. \_\_\_\_\_ of completed work \_\_\_\_\_
  - (Column D + E on G703)
  - b. \_\_\_\_\_ of stored material ..... \$0.00
  - (Column F on G703)

6. TOTAL EARNED LESS RETAINAGE ..... \$140,667.42

7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 less Line 5 Total) .....

8. CURRENT PAYMENT DUE ..... \$133,634.08

9. BALANCE TO FINISH, PLUS RETAINAGE ..... \$7,033.36

(Line 3 less Line 6) ..... \$0.00

State of: Iowa County of: Marion

Subscribed and sworn to before me this 9th day of March  
 Notary Public: Jennifer Sopher  
 My Commission expires: 2-28-14



**ARCHITECT'S CERTIFICATE FOR PAYMENT**

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

AMOUNT CERTIFIED ..... \$ 24,779.41

(Attach explanation if amount certified differs from the amount applied for)

ARCHITECT: Mark Dinges Date: 3/9/11

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance are without prejudice to any rights of the Owner or Contractor under this Contract.

# Contractor's Monthly Payment Estimate

Owner: City Des Moines  
 Project: Ewing Park  
 Contractor: TK Concrete, Inc., 1608 Fifield Road, Pella, IA 50219

Estimate No. 6 Date: 9/10/10

Period Ending: 9/10/10

NO.	ITEM	CONTRACT			WORK COMPLETED			\$ AMOUNT	QTY COMPLETED TO DATE	\$ AMOUNT TO DATE	RETAINAGE
		QTY	UNIT	PRICE	PREVIOUS QTY	PREVIOUS AMOUNT	THIS PERIOD QTY				
1	MOBILIZATION	1.0	EA	\$10,000.00	1.00	\$10,000.00	\$0.00	1.00	\$10,000.00	500.00	
2	EXCAVATION, CLASS 10	243.0	CY	\$8.00	243.00	\$1,944.00	\$0.00	243.00	\$1,944.00	97.20	
3	MODIFIED SUB-BASE (6")	1344.8	SY	\$6.50	1,344.77	\$8,741.01	\$0.00	1,344.77	\$8,741.01	437.05	
4	PCC 5" THICK SIDEWALKS	1009.9	SY	\$28.00	1,009.85	\$28,275.80	\$0.00	1,009.85	\$28,275.80	1,413.79	
5	PCC 6" THICK PARKING	110.8	SY	\$33.75	110.78	\$3,738.83	\$0.00	110.78	\$3,738.83	186.94	
6	STRIPPING, SALVAGING & SPREAD TOPSOIL	1.0	LS	\$1,350.00	1.00	\$1,350.00	\$0.00	1.00	\$1,350.00	67.50	
7	SEEDING	1.0	LS	\$2,775.00	0.00	\$0.00	\$2,775.00	1.00	\$2,775.00	138.75	
8	WHEEL STOPS	10.0	EA	\$100.00	8.00	\$800.00	\$0.00	8.00	\$800.00	40.00	
9	ACCESSIBLE PARKING/RESTROOM SIGNAGE	1.0	LS	\$500.00	1.00	\$500.00	\$0.00	1.00	\$500.00	25.00	
10	PARK GRILLS	4.0	EA	\$225.00	4.00	\$900.00	\$0.00	4.00	\$900.00	45.00	
11	PAVEMENT PARKINGS	1.0	LS	\$475.00	1.00	\$475.00	\$0.00	1.00	\$475.00	23.75	
12	MODIFICATIONS	1.0	LS	\$38,000.00	1.00	\$38,000.00	\$0.00	1.00	\$38,000.00	1,900.00	
13	NEW WOOD OBSERVATION DECK - MATERIALS ON SITE	1.0	LS	\$7,500.00	1.00	\$7,500.00	\$0.00	1.00	\$7,500.00	375.00	
14	GALVANIZED FINISH ASSIST RAILS	1.0	LS	\$3,000.00	0.50	\$1,500.00	\$1,500.00	0.500	\$3,000.00	150.00	
15	Change Order #1	1.0	LS	\$17,762.07	1.00	\$17,762.07	\$0.00	1.00	\$17,762.07	888.10	
16	Change Order #2	1.0	LS	\$12,367.60	1.00	\$12,367.60	\$0.00	1.00	\$12,367.60	618.38	
17	Change Order #3	1.0	LS	\$2,538.12	1.00	\$2,538.12	\$0.00	1.00	\$2,538.12	126.91	
	TOTAL					\$140,667.42	\$4,275.00		\$140,667.42	\$7,033.36	

Total Earned to Date: \$140,667.42  
 Retained Percent (5%): \$7,033.36  
 Total Less Ret. %: \$133,634.06  
 Total Previous Payment: \$429,572.76  
 Amount Due This Estimate: \$4,061.30

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 AMAD  
 3/8/10  
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