



Roll Call Number

Agenda Item Number

11 B

DATE September 10, 2012

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT
FOR PRINCIPAL RIVERWALK - WALNUT STREET TO GRAND AVENUE, WEST SIDE, ELDER
CORPORATION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the attached report of the Des Moines City Engineer, showing the cost of the construction of the Principal Riverwalk - Walnut Street to Grand Avenue, West Side, 11-2009-011, in accordance with the contract approved between Elder Corporation, Jared R. Elder II, President, 5088 E. University Avenue, Des Moines, IA 50327, under Roll Call No. 09-1709, of September 14, 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 \$2,916,653.70 is the total construction cost of which \$2,829,357.57 has been paid to the Contractor, with a final partial payment of \$57,296.13 to be paid now, and the remaining balance of \$30,000.00 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 \$30,000.00 before being released to the Contractor.

BE IT FURTHER RESOLVED: That the City Manager be and is hereby authorized and directed to certify the Pollution Prevention Plan Inspection Summary and the NPDES Stormwater General Permit Notice of Discontinuation for the above referenced project on behalf of the City of Des Moines and submit said documents to the Iowa Department of Natural Resources.

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

Scott E. Sanders
Des Moines Finance Director

Funding Source: 2012-2013 CIP, Page Park - 17, Principal Riverwalk, PKS162, Being: \$2,849,000 (\$2,856,610 previous maximum) in Federal Stimulus Funds under the American Recovery and Reinvestment Act of 2009 (ARRA) for construction costs only, with the remaining \$67,653.70 from PKS162

ESL-1945(759)—7S-77



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

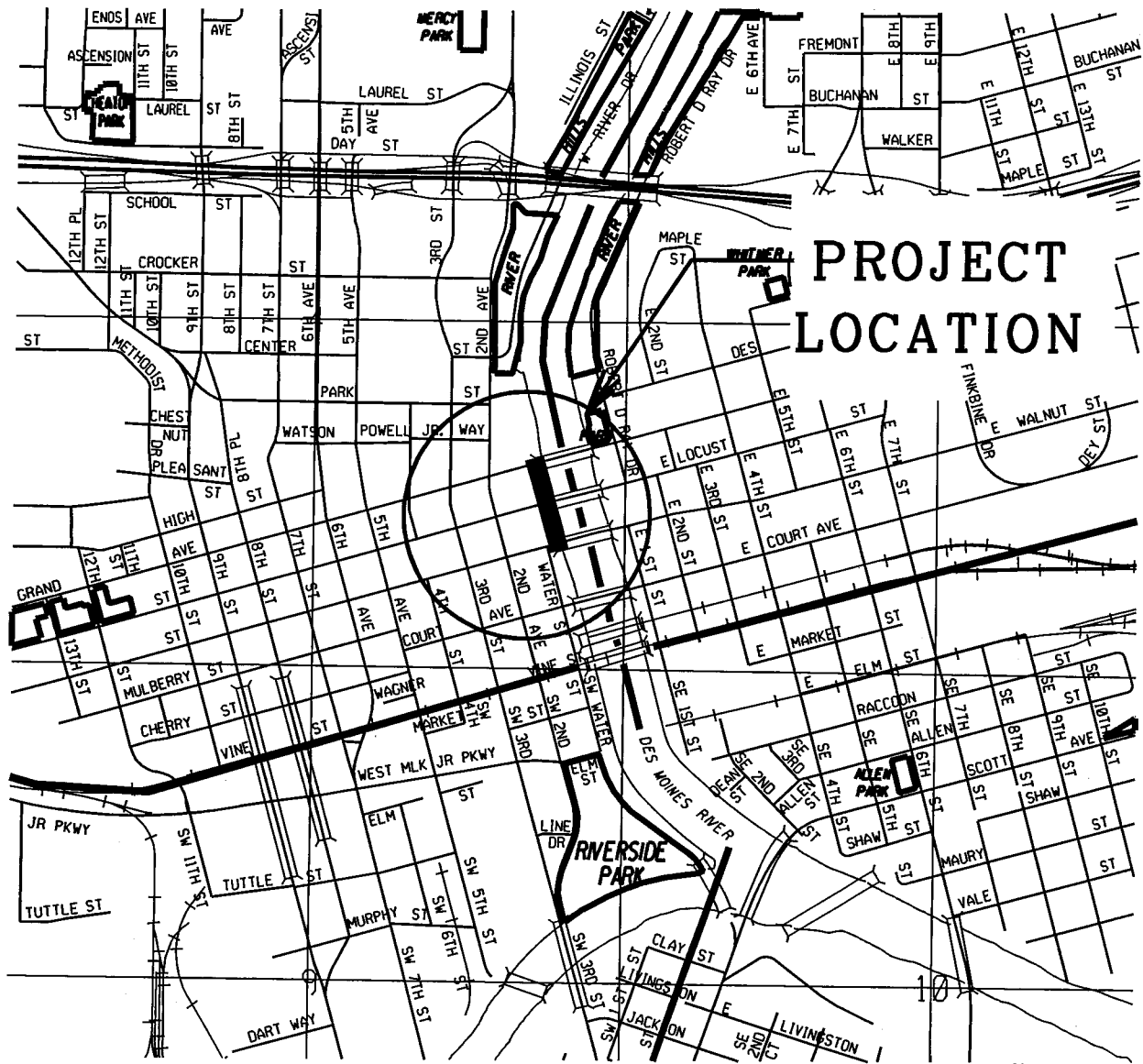
Mayor

CERTIFICATE

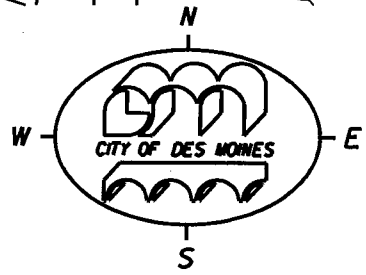
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

City Clerk



**PROJECT
LOCATION**



**PRINCIPAL RIVERWALK
WALNUT STREET to
GRAND AVENUE , WEST SIDE
ACTIVITY ID 11-2009-011**

sf:ile-dates

PROJECT SUMMARY

Principal Riverwalk - Walnut Street to Grand Avenue, West Side

Activity ID 11-2009-011

On September 14, 2009, under Roll Call No. 09-1709, the Council awarded the contract for the above improvements to Elder Corporation, in the amount of \$2,849,000.00. Tabulated below is a history of project change orders.

Change Order No.	Initiated By	Description	Amount
1	Regulator	2/1/2010 Delete signing and electrical controls related to the pedestrian crossing because they will be included in another Riverwalk contract and add fiber optic conduit for use by the World Food Prize	\$(9,469.75)
2	User	8/27/2010 Provide alternate lighting fixtures needed to coordinate lighting near the World Food Prize.	\$(18,032.00)
3	Consultant	8/27/2010 Modify the stone cap for the curved portion of the floodwall to coordinate the Corps of Engineers original concrete floodwall design and the the stone cap detail.	\$12,878.80
4	Contractor	1/19/2011 Contract completion extension request by contractor as approved by City Council on October 25, 2010; RC#10-1716	\$0.00
5	Consultant	9/2/2011 Modify the design of the storm sewer elements to allow construction to proceed, since the current design is such that work progress has been delayed due to excessively high river levels for extended time periods.	\$19,195.00
6	Contractor	9/29/2011 Contractor request for contract completion date extension due to high river levels. Approved on August 8, 2011; RC#11-1355	\$0.00
7	City	4/30/2012 Modify irrigation system to coordinate with another Riverwalk project.	\$1,528.40

8	City	5/8/2012 Replace 12 diseased trees and remove buried, undocumented concrete slab	\$17,875.07
9	User	5/17/2012 Make minor modificatons to new surface features due to unforeseen subsurface conditons	\$7,777.35
10	User	6/20/2012 Modify four areas of stone pavers to obtain uniformity between the City project and the World Food Prize project and improve aesthetics.	\$5,100.00
11	City	6/28/2012 Add sidewalk removal and replacement at limits of project for ADA compliance. Add anti-graffiti sealant to the above grade limestone surfaces. Balance contract items to as-built quantities.	\$18,300.83
12	City	8/8/2012 Add watering of sod. Modify contract completion date	\$12,500.00
Original Contract Amount			\$2,849,000.00
Total Change Orders			\$67,653.70
Percent of Change Orders to Original Contract			2.37%
Total Contract Amount			\$2,916,653.70 ✓

11B

September 10, 2012



CERTIFICATION OF COMPLETION

AGENDA HEADING:

Accepting completed construction and approving final payment for the Principal Riverwalk - Walnut Street to Grand Avenue, West Side, Elder Corporation.

SYNOPSIS:

Approve the Engineer's Certification of Completion, accept construction of said improvement, and authorize final payment to the contractor.

FISCAL IMPACT:

Amount: \$2,916,653.70 As-Built Contract Cost

Funding Source: 2012-2013 CIP, Page Park - 17, Principal Riverwalk, PKS162, Being: \$2,849,000 (\$2,856,610 previous maximum) in Federal Stimulus Funds under the American Recovery and Reinvestment Act of 2009 (ARRA) for construction costs only, with the remaining \$67,653.70 from PKS162

CERTIFICATION OF COMPLETION:

On September 14, 2009, under Roll Call No. 09-1709, the City Council awarded a contract to Elder Corporation, Jared R. Elder II, President, 5088 E. University Avenue, Des Moines, IA 50327 for the construction of the following improvement:

Principal Riverwalk - Walnut Street to Grand Avenue, West Side, 11-2009-011

The improvement includes construction of a 12-foot-wide recreational trail and other amenities including precast concrete pavers, stone paving, concrete pedestrian pavement, HMA pavement, landscaping, floodwall and other related items, all in accordance with the contract documents including Plan File Nos. 503-047/176 to be constructed along the west bank of the Des Moines River from Walnut Street to Grand Avenue, Des Moines, Iowa

I hereby certify that the construction of said Principal Riverwalk - Walnut Street to Grand Avenue, West Side, Activity ID 11-2009-011, 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 December 9, 2009, and was completed on August 30, 2012.

I further certify that \$2,916,653.70 is the total construction cost of which \$2,829,357.57 has been paid to the Contractor, with a final partial payment of \$57,296.13 to be paid now, and the remaining balance of \$30,000.00 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 \$30,000.00 before being released to the Contractor. 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 stylized flourish at the end. A small "PE" is written in the bottom right corner of the signature.

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

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Contractor's Application for Payment No. 17 FINAL

Application Period: 1-Jun-12 through 31-Jul-12 Application Date: August 2, 2012	Application Date: August 2, 2012
From (Contractor): Elder Corporation Contract: ESL-1945(759)-7S-77	Via (Engineer): Stanley Consultants, Inc.
To (Owner): City of Des Moines, Iowa Project: Principal Riverwalk - Bid Package A	Engineer's Project No.: 21983.02.00
Owner's Contract No.: 14482 Activity ID: 11-2009-011	Bid Order 156

Application For Payment Change Order Summary

Approved Change Orders Number	Additions	Deductions
1	\$11,030.25	-\$20,500.00
2	\$770.00	-\$18,802.00
3	\$12,878.80	
4		
5	\$44,075.00	-\$24,880.00
6		
7	\$1,528.40	
8	\$17,875.07	
9	\$7,777.35	
10	\$5,100.00	
11	\$22,806.83	-\$4,506.00
12	\$12,500.00	
TOTALS	\$136,341.70	-\$68,688.00
NET CHANGE BY CHANGE ORDERS	\$67,653.70	

1. ORIGINAL CONTRACT PRICE..... \$ 2,849,000.00
2. Net change by Change Orders..... \$ 67,653.70
3. Current Contract Price (Line 1 ± 2)..... \$ 2,916,653.70
4. TOTAL COMPLETED AND STORED TO DATE (Column F on Progress Estimate)..... \$ 2,916,653.70
5. RETAINAGE:
 - a. 3% X \$2,916,653.70 Work Completed..... \$ 87,499.61
 - b. 3% X Stored Material..... \$ 30,000.00
 - c. Total Retainage (Line 5a + Line 5b), (\$30,000.00 max.)..... \$ 2,886,653.70
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c)..... \$ 2,829,357.57
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)..... \$ 57,296.13
8. AMOUNT DUE THIS APPLICATION..... \$ 30,000.00
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G on Progress Estimate + Line 5 above)..... \$ 30,000.00

Payment of: \$ 57,296.13
 (Line 8 or other - attach explanation of the other amount)

is recommended by: David J. Baree (Engineer) 8/1/2012 (Date)

Payment of: \$ 57,296.13
 (Line 8 or other - attach explanation of the other amount)

is approved by: OK (Owner) (Date)

Approved by: _____ (Date)

Funding Agency (if applicable) _____ (Date)

Contractor's Certification

The undersigned Contractor certifies that to the best of its knowledge: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

By: [Signature] Date: 8/8/2012

Endorsed by the Construction Specifications Institute.

Progress Estimate

Contractor's Application

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For (continued):		Application Number:		Application Date:		17		8/22/2012		
ESL-1945(759)-75-77		01-Jun-12 through 31-Jul-12								
Bid Item No.	Item Description	Bid Quantity	Unit Price	Bid Value	Estimated Quantity Installed	Value	Materials Presently Stored (not in C) x 90% per 11/09/05	Total Completed and Stored to Date (D + E)	F % (F) / B	Balance to Finish (B - F)
1	CLEARING AND GRUBBING	1.30	\$ 9,000.00	\$ 11,700.00	1.3	\$11,700.00		\$11,700.00	100.0%	\$ -
2	TOPSOIL, FURNISH AND SPREAD	495.00	\$ 50.00	\$ 24,750.00	495	\$24,750.00		\$24,750.00	100.0%	\$ -
3	COMPACTED CRUSHED STONE SUBBASE	2837.00	\$ 30.00	\$ 85,110.00	2837	\$85,110.00		\$85,110.00	100.0%	\$ -
4	BITUMINOUS MILLINGS	188.00	\$ 90.00	\$ 16,920.00	188	\$16,920.00		\$16,920.00	100.0%	\$ -
5	SIGNING (ITEM DELETED)	1.00	\$ -	\$ -		\$ -		\$ -	100.0%	\$ -
6	ADJUSTMENT OF FIXTURES	5.00	\$ 1,300.00	\$ 6,500.00	5	\$6,500.00		\$6,500.00	100.0%	\$ -
7	REMOVAL OF EXISTING STRUCTURES	1.00	\$ 13,000.00	\$ 13,000.00	1	\$13,000.00		\$13,000.00	100.0%	\$ -
8	INTAKE, SPECIAL, AS PER PLAN	9.00	\$ 4,200.00	\$ 37,800.00	9	\$37,800.00		\$37,800.00	100.0%	\$ -
9	SEWER PIPE, DUCTILE IRON (DIP), 12 IN. DIA. (ITEM MODIFIED)	124.63	\$ 163.00	\$ 20,315.00	124.63	\$20,315.00		\$20,315.00	100.0%	\$ -
10	REMOVAL OF PAVEMENT	702.00	\$ 28.00	\$ 19,656.00	702	\$19,656.00		\$19,656.00	100.0%	\$ -
11	RECREATIONAL TRAIL, HOT MIX ASPHALT, 5 IN. (ITEM MODIFIED)	1127.00	\$ 42.00	\$ 47,334.00	1127	\$47,334.00		\$47,334.00	100.0%	\$ -
12	SPECIAL COMPACTION OF SUBGRADE FOR RECREATIONAL TRAIL	8.00	\$ 1,112.50	\$ 8,900.00	8	\$8,900.00		\$8,900.00	100.0%	\$ -
13	REMOVAL OF SIDEWALK (ITEM MODIFIED)	433.22	\$ 5.00	\$ 2,166.11	433.22	\$2,166.11		\$2,166.11	100.0%	\$ -
14	DETECTABLE WARNINGS FOR CURB RAMPS	88.48	\$ 158.00	\$ 13,979.52	88.48	\$13,979.52		\$13,979.52	100.0%	\$ -
15	SIDEWALK, P.C. CONCRETE, 8 IN. (ITEM MODIFIED)	60.00	\$ 37.00	\$ 2,220.00	60	\$2,220.00		\$2,220.00	100.0%	\$ -
16	P.C. CONCRETE RETAINING WALL (ITEM MODIFIED)	33.185	\$ 1,000.00	\$ 33,185.00	33.185	\$33,185.00		\$33,185.00	100.0%	\$ -
17	CONSTRUCTION SURVEY (ITEM MODIFIED)	1.00	\$ 11,170.00	\$ 11,170.00	1.000	\$11,170.00		\$11,170.00	100.0%	\$ -
18	TRAFFIC CONTROL	1.00	\$ 296,401.90	\$ 296,401.90	1.00	\$296,401.90		\$296,401.90	100.0%	\$ -
19	MOBILIZATION	1.00	\$ -	\$ -		\$ -		\$ -	100.0%	\$ -
20	GATE VALVE AND VALVE BOX, 2 IN. (ITEM DELETED)	1.00	\$ -	\$ -		\$ -		\$ -	100.0%	\$ -
21	GATE VALVE AND VALVE BOX, 4 IN. (ITEM DELETED)	420.00	\$ 16.00	\$ 6,720.00	420	\$6,720.00		\$6,720.00	100.0%	\$ -
22	PIPE, PVC, 2 IN. DIA. (ITEM MODIFIED)	175.00	\$ 22.00	\$ 3,850.00	175	\$3,850.00		\$3,850.00	100.0%	\$ -
23	PIPE, PVC, 4 IN. DIA. (ITEM MODIFIED)	518.00	\$ 195.00	\$ 101,010.00	518	\$101,010.00		\$101,010.00	100.0%	\$ -
24	STRUCTURAL SOIL	24.00	\$ 2,400.00	\$ 60,000.00	24	\$60,000.00		\$60,000.00	100.0%	\$ -
25	STONE BENCH, TYPE A	5.00	\$ 3,700.00	\$ 18,500.00	5	\$18,500.00		\$18,500.00	100.0%	\$ -
26	STONE BENCH, TYPE B	12.00	\$ 3,900.00	\$ 46,800.00	12	\$46,800.00		\$46,800.00	100.0%	\$ -
27	TREE VAULT COVER	12.00	\$ 425.00	\$ 5,100.00	12	\$5,100.00		\$5,100.00	100.0%	\$ -
28	FLOOD WALL GATE CLOSURE	1.00	\$ 61,000.00	\$ 61,000.00	1	\$61,000.00		\$61,000.00	100.0%	\$ -
29	CONCRETE FLOOD WALL	639.00	\$ 770.00	\$ 492,030.00	639	\$492,030.00		\$492,030.00	100.0%	\$ -
30	STONE CAP	574.00	\$ 180.00	\$ 103,320.00	574	\$103,320.00		\$103,320.00	100.0%	\$ -
31	CONCRETE MOW STRIP	397.00	\$ 14.00	\$ 5,558.00	397	\$5,558.00		\$5,558.00	100.0%	\$ -
32	CAST-IN-PLACE CONCRETE STADIUM SEATS	266.00	\$ 190.00	\$ 50,340.00	266	\$50,340.00		\$50,340.00	100.0%	\$ -
33	STEEL EDGING	40.00	\$ 12.00	\$ 480.00	40	\$480.00		\$480.00	100.0%	\$ -
34	IRRIGATION SPRINKLER SYSTEM (ITEM MODIFIED)	1.00	\$ 25,849.40	\$ 25,849.40	1	\$25,849.40		\$25,849.40	100.0%	\$ -
35	EARTHWORK	1.00	\$ 61,500.00	\$ 61,500.00	1	\$61,500.00		\$61,500.00	100.0%	\$ -
36	SITE ELECTRICAL (ITEM MODIFIED)	1.00	\$ 286,426.60	\$ 286,426.60	1	\$286,426.60		\$286,426.60	100.0%	\$ -
37	STONE VENEER	2550.00	\$ 55.00	\$ 140,250.00	2550	\$140,250.00		\$140,250.00	100.0%	\$ -
38	PRECAST CONCRETE UNIT PAVEMENT, TYPE 3	7700.00	\$ 24.00	\$ 184,800.00	7700	\$184,800.00		\$184,800.00	100.0%	\$ -
39	STONE PAVING	5013.00	\$ 60.00	\$ 300,780.00	5013	\$300,780.00		\$300,780.00	100.0%	\$ -
40	CAST-IN-PLACE CONCRETE BAND	409.00	\$ 23.00	\$ 9,407.00	409	\$9,407.00		\$9,407.00	100.0%	\$ -
41	CAST-IN-PLACE CONC. PAVT, PEDESTRIAN, TYPE 1	997.00	\$ 125.00	\$ 124,625.00	997	\$124,625.00		\$124,625.00	100.0%	\$ -
42	CAST-IN-PLACE CONC. PAVT, PEDESTRIAN, TYPE 2	347.00	\$ 115.00	\$ 39,905.00	347	\$39,905.00		\$39,905.00	100.0%	\$ -
43	SODDING	267.00	\$ 40.00	\$ 10,680.00	267	\$10,680.00		\$10,680.00	100.0%	\$ -
44	SILT FENCE	1741.00	\$ 2.00	\$ 3,482.00	1741	\$3,482.00		\$3,482.00	100.0%	\$ -
45	RMVL OF SILT FENCE	1741.00	\$ 0.50	\$ 870.50	1741	\$870.50		\$870.50	100.0%	\$ -
46	SHRUBS, FURNISHED AND INSTALLED (WITH WARRANTY)	49.00	\$ 19.00	\$ 931.00	49	\$931.00		\$931.00	100.0%	\$ -
47	TREES, DELIVERED AND INSTALLED	12.00	\$ 350.00	\$ 4,200.00	12	\$4,200.00		\$4,200.00	100.0%	\$ -
48										
8001	Change Order #1 FIBER OPTIC CABLE INSTALLATION	1.00	\$ 11,030.25	\$ 11,030.25	1	\$11,030.25		\$11,030.25	100.0%	\$ -
8002	Change Order #2 MODIFIED STONE CAP	1.00	\$ 12,878.80	\$ 12,878.80	1	\$12,878.80		\$12,878.80	100.0%	\$ -
8003	Change Order #3 STORM SWR GRAVITY MAIN, TRENCHED, PVC, 12 IN. PIPE (DIP) AND FITTING RESTOCKING FEE	608.00	\$ 60.00	\$ 36,480.00	608	\$36,480.00		\$36,480.00	100.0%	\$ -
8004	Change Order #4 DIP FITTINGS	1.00	\$ 545.00	\$ 545.00	1	\$545.00		\$545.00	100.0%	\$ -
8005	Change Order #5 INTAKE AND INTAKE CONNECTION MODIFICATIONS	1.00	\$ (2,000.00)	\$ (2,000.00)	1	\$-2,000.00		\$-2,000.00	100.0%	\$ -
8006	Change Order #6 EXPLORATORY DIGGING	1.00	\$ 2,700.00	\$ 2,700.00	1	\$2,700.00		\$2,700.00	100.0%	\$ -
8007	Change Order #7 TREES, FURNISHED AND INSTALLED (WITH WARRANTY)	1.00	\$ 7,050.00	\$ 7,050.00	1	\$7,050.00		\$7,050.00	100.0%	\$ -
8008	Change Order #8 DEMOLITION OF CONCRETE BENEATH GRAND AVE BRIDGE	1.00	\$ 4,733.82	\$ 4,733.82	1	\$4,733.82		\$4,733.82	100.0%	\$ -
8009	Change Order #9 MANHOLE ADJUSTMENT, MINOR	1.00	\$ 4,956.25	\$ 4,956.25	1	\$4,956.25		\$4,956.25	100.0%	\$ -
8010	Change Order #10 REMOVE AND RELAY STONE PAVING	1.00	\$ 1,548.75	\$ 1,548.75	1	\$1,548.75		\$1,548.75	100.0%	\$ -
8011	Change Order #11 ANTI-GRAFFITI SEALANT	1.00	\$ 5,100.00	\$ 5,100.00	1	\$5,100.00		\$5,100.00	100.0%	\$ -
8012	Change Order #12 SOD WATERING	1.00	\$ 9,508.80	\$ 9,508.80	1	\$9,508.80		\$9,508.80	100.0%	\$ -
8013		1.00	\$ 12,500.00	\$ 12,500.00	1	\$12,500.00		\$12,500.00	100.0%	\$ -
Totals										
\$ 2,916,653.70										

