

10C

DATE December 17, 2012

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR CITY HALL WINDOW REPLACEMENT, STRONG TOWER CONSTRUCTION, LLC DBA KOCH CORPORATION**

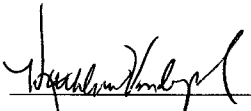
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the attached report of the Des Moines City Engineer, showing the cost of the construction of the City Hall Window Replacement, 10-2009-017, in accordance with the contract approved between Strong Tower Construction, LLC dba Koch Corporation, Benjamin Feinn, CEO, 1131 Logan Street, Louisville, KY 40204, under Roll Call No. 11-0259, of February 14, 2011, 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 \$491,357.41 is the total cost, of which \$491,357.41 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 \$0.00 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.

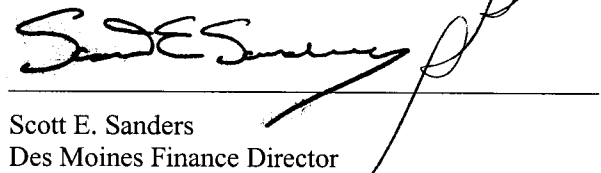
BE IT FURTHER RESOLVED: That the Des Moines Finance Director be and is hereby authorized to release said retainage if suit is not filed as above provided.

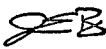
Moved by \_\_\_\_\_ to adopt.

FORM APPROVED:

  
Kathleen Vanderpool  
Deputy City Attorney

FUNDS AVAILABLE

  
Scott E. Sanders  
Des Moines Finance Director

 Funding Source: 2012-2013 CIP, Page Building - 5, Energy Conservation, BLD110, Being: \$452,766 in Department of Energy, Energy Efficiency and Conservation Block Grant, and the remaining local share of the grant being \$38,591.41 in G. O. Bonds

DE-SC0003333/002



**Roll Call Number**

**Agenda Item Number**

10C

DATE December 17, 2012

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 SUMMARY

### City Hall Window Replacement

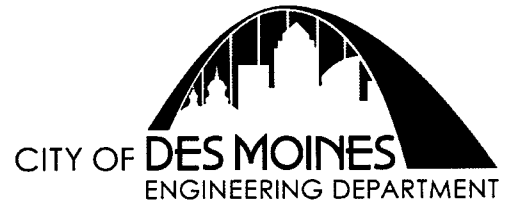
#### Activity ID 10-2009-017

On February 14, 2011, under Roll Call No. 11-0259, the Council awarded the contract for the above improvements to Strong Tower Construction, LLC dba Koch Corporation, in the amount of \$421,414.00. Tabulated below is a history of project change orders.

<b>Change Order No.</b>	<b>Initiated By</b>	<b>Description</b>	<b>Amount</b>
1	Engineering	3/14/2011 Abate 108 window openings which contain asbestos contamination.	\$61,264.00
2	City	10/18/2011 Add perimeter frame insulation.	\$2,611.00
3	Contractor	1/18/2012 Apply obscure film; revise ceiling at two windows; add support walls at three windows.	\$9,495.00
4	Contractor	1/31/2012 Additional window trim work.	\$9,792.41
5	Contractor	11/15/2012 Deduct window security grills. Add panic device push bars. Add exterior door stops.	\$(10,719.00)
6	Engineering	11/19/2012 Deduct \$2,500.00 for time delays and overnight security costs.	\$(2,500.00)
<b>Original Contract Amount</b>			\$421,414.00
<b>Total Change Orders</b>			\$69,943.41
<b>Percent of Change Orders to Original Contract</b>			16.60%
<b>Total Contract Amount</b>			\$491,357.41

10C

December 17, 2012



**CERTIFICATION OF COMPLETION**

**AGENDA HEADING:**

Accepting completed construction and approving final payment for the City Hall Window Replacement, Strong Tower Construction, LLC dba Koch Corporation.

**SYNOPSIS:**

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

**FISCAL IMPACT:**

Amount: \$491,357.41 As-Built Contract Cost

Funding Source: 2012-2013 CIP, Page Building - 5, Energy Conservation, BLD110, Being: \$452,766 in Department of Energy, Energy Efficiency and Conservation Block Grant, and the remaining local share of the grant being \$38,591.41 in G. O. Bonds

**CERTIFICATION OF COMPLETION:**

On February 14, 2011, under Roll Call No. 11-0259, the City Council awarded a contract to Strong Tower Construction, LLC dba Koch Corporation, Benjamin Feinn, CEO, 1131 Logan Street, Louisville, KY 40204 for the construction of the following improvement:

City Hall Window Replacement, 10-2009-017

The improvement includes removal of a portion of the existing exterior aluminum framed windows, installation of new thermally broken aluminum framed windows with 1" insulating glass, removal and disposal of existing window draperies and blind systems, removal and inventory and reinstallation of sunscreen roller shades in City Council Chambers; all work in accordance with the contract documents including Plan File Nos. 499-01/10 at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa

I hereby certify that the construction of said City Hall Window Replacement, Activity ID 10-2009-017, 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 September 12, 2011, and was completed on December 11, 2012.

I further certify that \$491,357.41 is the total cost of said improvement, of which \$491,357.41 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 \$0.00 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 that reads "JEB Brewer" followed by a small "P.E." to the right.

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

## Application and Certificate for Payment

**TO OWNER:** PROJECT: **APPLICATION NO:** 11 **Distribution to:** OWNER   
 City of Des Moines Des Moines City Hall PERIOD TO: 12/6/2012 ARCHITECT   
 400 Robert D. Ray Drive Des Moines City Hall CONTRACTOR   
**FROM CONTRACTOR:** VIA ARCHITECT: PROJECT NOS: 2676 / / FIELD   
 dba KOCH CORPORATION LOUISVILLE, KY 40204 INVOICE NO: 8262 OTHER

### CONTRACTOR'S APPLICATION FOR PAYMENT

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

1. ORIGINAL CONTRACT SUM ..... \$ 421,414.00
2. NET CHANGE BY CHANGE ORDERS ..... \$ 69,943.41
3. CONTRACT SUM TO DATE (Line 1 ± 2) ..... \$ 491,357.41
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703) ..... \$ 491,357.41

5. RETAINAGE:
  - a. 0% of Completed Work (Columns D + E on G703) \$ 0.00
  - b. 0% of Stored Material (Column F on G703) \$ 0.00

Total Retainage (Lines 5a + 5b, or Total in Column I of G703) ..... \$ 0.00

6. TOTAL EARNED LESS RETAINAGE ..... \$ 491,357.41  
 (Line 4 minus Line 5 Total)

7. LESS PREVIOUS CERTIFICATES FOR PAYMENT ..... \$ 491,357.41  
 (Line 6 from prior Certificate)

8. CURRENT PAYMENT DUE ..... \$ 0.00

9. BALANCE TO FINISH, INCLUDING RETAINAGE ..... \$ 0.00  
 (Line 3 minus Line 6)

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$ 89,149.41	\$ 19,206.00
Total approved this month	\$ 0.00	\$ 0.00
<b>TOTAL</b>	<b>\$ 89,149.41</b>	<b>\$ 19,206.00</b>
NET CHANGES by Change Order	\$ 69,943.41	

CAUTION: You should sign an original AIA Contract Document on which this text appears in RED. An original assures that changes will not be obscured.

AIA Document G702™ - 1992. Copyright © 1953, 1963, 1971, 1978, 1983 and 1992 by The American Institute of Architects. All rights reserved. WARNING: This AIA Document is protected by U.S. Copyright Law and International Treaties. Unauthorized reproduction or distribution of this AIA Document, or any portion of it, may result in severe civil and criminal penalties, and will be prosecuted to the maximum extent possible under the law. Purchasers are permitted to reproduce ten (10) copies of this document when completed. To report copyright violations of AIA Contract Documents, e-mail The American Institute of Architects' legal counsel, copyright@aia.org. 091112C04

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: Des Moines KOCH CORPORATION Date: 12-6-12  
 By: [Signature]  
 State of: Kentucky  
 County of: Jefferson

Subscribed and sworn to before me this 6th day of December 2012  
 Notary Public: [Signature]  
 My commission expires: 9-2-2013

### 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. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT: [Signature] Date: 12/6/2012

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.



# AIA Document G703™ - 1992

## Continuation Sheet

AIA Document G702™-1992, Application and Certificate for Payment, or G732™-2009,

Application and Certificate for Payment, Construction Manager as Adviser Edition,

containing Contractor's signed certification is attached.

In tabulations below, amounts are in US dollars.

Use Column I on Contracts where variable retainage for line items may apply.

Page 2

APPLICATION NO:

11

APPLICATION DATE:

12/5/2012

PERIOD TO:

12/6/2012

ARCHITECT'S PROJECT NO:

2686

ITEM NO.	DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (Not in D or E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G ÷ C)	BALANCE TO FINISH (C - G)	I RETAINAGE (if variable rate)
			FROM PREVIOUS APPLICATION (D + E)							
10	Bond	5,057.00	5,057.00	0.00	0.00	0.00	5,057.00	100	0.00	0.00
20	Field Measure	7,000.00	7,000.00	0.00	0.00	0.00	7,000.00	100	0.00	0.00
30	Shop Drawings / Submittals	22,000.00	22,000.00	0.00	0.00	0.00	22,000.00	100	0.00	0.00
40	Mobilization	20,000.00	20,000.00	0.00	0.00	0.00	20,000.00	100	0.00	0.00
50	General Conditions	25,000.00	25,000.00	0.00	0.00	0.00	25,000.00	100	0.00	0.00
60	Window Material	252,547.00	252,547.00	0.00	0.00	0.00	252,547.00	100	0.00	0.00
70	Window Labor	66,500.00	66,500.00	0.00	0.00	0.00	66,500.00	100	0.00	0.00
80	Door Material	20,000.00	20,000.00	0.00	0.00	0.00	20,000.00	100	0.00	0.00
90	Door Labor	2,310.00	2,310.00	0.00	0.00	0.00	2,310.00	100	0.00	0.00
100	Close-out	1,000.00	1,000.00	0.00	0.00	0.00	1,000.00	100	0.00	0.00
	Change Orders									
110	Change Order No. 1	61,264.00	61,264.00	0.00	0.00	0.00	61,264.00	100	0.00	0.00
120	Change Order No. 2	2,611.00	2,611.00	0.00	0.00	0.00	2,611.00	100	0.00	0.00
130	Change Order No. 3	9,495.00	9,495.00	0.00	0.00	0.00	9,495.00	100	0.00	0.00
140	Change Order No. 4	9,792.41	9,792.41	0.00	0.00	0.00	9,792.41	100	0.00	0.00
150	Change Order No. 5	-10,719.00	-10,719.00	0.00	0.00	0.00	-10,719.00	100	0.00	0.00
160	Change Order No. 6	-2,500.00	-2,500.00	0.00	0.00	0.00	-2,500.00	100	0.00	0.00
		69,943.41	69,943.41	0.00	0.00	0.00	69,943.41	100	0.00	0.00
	GRAND TOTAL	491,357.41	491,357.41	0.00	0.00	0.00	491,357.41	100	0.00	0.00

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.

AIA Document G703™ - 1992, Copyright © 1963, 1965, 1966, 1967, 1970, 1978, 1983 and 1992 by The American Institute of Architects. All rights reserved. WARNING: This AIA Document is protected by U.S. Copyright Law and International Treaties. Unauthorized reproduction or distribution of this AIA Document, or any portion of it, may result in severe civil and criminal penalties, and will be prosecuted to the maximum extent possible under the law. Purchasers are permitted to reproduce ten (10) copies of this document when completed. To report copyright violations of AIA Contract Documents, e-mail The American Institute of Architects' legal counsel, copyright@aia.org.

101219AC04

109