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Date December 23, 2013

**APPROVING COMPLETION AND ACCEPTANCE OF 2012 RIVERWALK
IMPROVEMENTS SUBJECT TO RECEIPT OF DOCUMENTATION**

WHEREAS, on April 9, 2012, under Roll Call No. 12-0512, the City Council approved an agreement between Principal Life Insurance Company (Mary O’Keefe, Chief Marketing Officer and Senior Vice President, 711 High, Des Moines, Iowa) (Principal) and the City of Des Moines (City) for the construction and funding of the 2012 Riverwalk Improvements, which includes: promenade adjacent to YMCA, floodwall and walkway between Court Avenue and the Red Bridge along Water Street and E. 1st Street (east and west), lighting between the Red Bridge and Walnut Street (east) and pedestrian crossings at Court Avenue and Walnut Street (east). In accordance with the Agreement, upon acceptance of the improvements by the City Council, the City shall be the owner of the improvements; and

WHEREAS, Principal entered into an agreement with Jensen Construction Company (Kurt Rasmussen, President and CEO, 5550 NE 22nd Street, Des Moines, Iowa) (Jensen) for construction of the improvements; and

WHEREAS, said Agreement between Principal and the City for construction and funding of 2012 Riverwalk Improvements pursuant to Roll Call No. 12-0512, dated April 9, 2012, stated that the City shall by resolution of the City Council accept ownership and control of the project improvements upon completion of the improvements provided that Principal submit certain documentation to the City Engineer as detailed in the City Engineer’s Certification of Completion; and

WHEREAS, as of December 18, 2013, Principal has not provided the required documentation, as referenced in the City Engineer’s Certification of Completion. The City Engineer recommends acceptance of the project in accordance with the Agreement approved by the City Council subject to and contingent upon the acceptance of the City Engineer of the required documentation. However, Principal has assured staff that the required certification and documentation will be provided as soon as possible and the City Engineer recommends acknowledging the completion and the acceptance of the construction of said 2012 Riverwalk Improvements subject to receipt of certification and documentation and payment for professional design and construction phase services.

NOW, THEREFORE, BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the attached report of the Des Moines City Engineer acknowledging the completion of said 2012 Riverwalk Improvements in the amount of \$3,428,087.05 which has been constructed in substantial compliance with the plans and specifications approved on April

★ **Roll Call Number**

Agenda Item Number
52A

Date December 23, 2013

27, 2012 all in accordance with the Agreement, design documents and contract documents including Plan File Nos. 544-67/195, Activity ID 11-2012-001, be received and filed; and

BE IT FURTHER RESOLVED: That the City Engineer recommends to the City Council the 2012 Riverwalk Improvements be accepted by the City of Des Moines subject to and contingent upon the acceptance of the City Engineer of the required documentation not yet submitted by Principal. The City Engineer is hereby directed to notify the City Manager and City Clerk of the date when the required certification and documentation submitted by Principal have been accepted by the City Engineer.

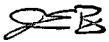
BE IT FURTHER RESOLVED: That the City Council hereby acknowledges completion of and accepts construction of the 2012 Riverwalk Improvements subject to and contingent upon the acceptance of the City Engineer of the required documentation. The effective date of the acceptance shall be the date that the City Engineer notifies the City Manager and City Clerk that the required documentation as referenced in the City Engineer's certificate of completion has been accepted.

Activity ID 11-2012-001

Moved by _____ to adopt.

FORM APPROVED:

 Kathleen Vanderpool
 Deputy City Attorney



Funding Source: No Cost to the City of Des Moines; all costs are to be paid by Principal Life Insurance Company

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

MOTION CARRIED APPROVED

 Mayor

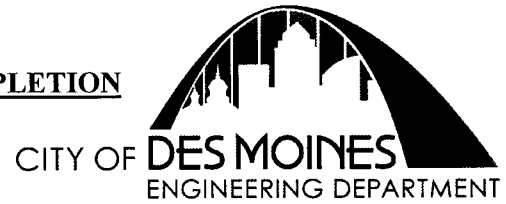
CERTIFICATE

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

CERTIFICATION OF COMPLETION



AGENDA HEADING:

Approving completion and acceptance of construction of 2012 Riverwalk Improvements subject to receipt of documentation.

SYNOPSIS:

Approve the Des Moines City Engineer’s Certification of Completion, acknowledging the completion and acceptance of construction of said improvement, which certification is subject to the receipt of the documentation referenced below acceptable to Engineering Department Staff.

FISCAL IMPACT:

Amount: \$3,428,087.05 as built cost per the schedule of values between Jensen Construction Company and Principal Life Insurance Company.

Funding Source: No Cost to the City of Des Moines; all costs are to be paid by Principal Life Insurance Company

CERTIFICATION OF COMPLETION:

Principal Life Insurance Company (Mary O’Keefe, Chief Marketing Officer and Senior Vice President, 711 High, Des Moines, Iowa) (Principal) and the City of Des Moines (City) entered into an Agreement for Construction and Funding of 2012 Riverwalk Improvements pursuant to Roll Call No. 12-0512, dated April 9, 2012, for the purpose of construction and funding of the 2012 Riverwalk Improvements, which includes: promenade adjacent to YMCA, floodwall and walkway between Court Avenue and the Red Bridge along Water Street and E. 1st Street (east and west), lighting between the Red Bridge and Walnut Street (east) and pedestrian crossings at Court Avenue and Walnut Street (east). In accordance with the Agreement, upon acceptance of the Improvements by the City Council, the City shall be the owner of the Improvements.

Principal entered into an agreement with Jensen Construction Company (Kurt Rasmussen, President and CEO, 5550 NE 22nd Street, Des Moines, Iowa) (Jensen) for construction of the Improvements.

Said Agreement between Principal and the City for construction and funding of 2012 Riverwalk Improvements pursuant to Roll Call No. 12-0512, dated April 9, 2012, stated that the City shall by resolution of the City Council accept ownership and control of the project improvements provided that:

1. Principal shall have provided certification and documentation to the City Engineer that its contractor and all subcontractors and suppliers for design and construction of the project improvements have been paid in full.
2. The City Engineer finds and concludes and reports to City Council that [a] that the Project has been completed and constructed in substantial conformance with the plans and specifications, design documents and contract documents, and [b] that Principal and its contractor have performed all of their respective obligations as provided in said Agreement.

I hereby certify that the construction of said 2012 Riverwalk Improvements described as promenade adjacent

to YMCA, floodwall and walkway between Court Avenue and the Red Bridge along Water Street and E. 1st Street (east and west), lighting between the Red Bridge and Walnut Street (east) and pedestrian crossings at Court Avenue and Walnut Street (east); all in accordance with the contract documents including Plan File Nos. 544-67/195, Activity ID 11-2012-001 has been completed in substantial compliance with the plans and specifications approved on April 27, 2012 in accordance with the Agreement, design documents and contract documents. Upon receipt of the required certification and documentation and payment for professional design and construction phase services, Principal and its contractor have performed all of their respective obligations as provided in the Agreement and I will recommend that the 2012 Riverwalk Improvements be accepted by the City Council.

I further certify that the amount of completed 2012 Riverwalk Improvements is \$3,428,087.05.

PREVIOUS COUNCIL ACTION(S):

Date: April 9, 2012

Roll Call Number: 12-0512

Action: Approving agreement with Principal Life Insurance Company for the construction and funding of 2012 Riverwalk Improvements. (Council Communication No. 12-151) Moved by Hensley to adopt. Motion Carried 7-0.

Date: December 19, 2011

Roll Call Number: 11-2103

Action: Approving Professional Services Agreement with Stanley Consultants, Inc. for design services for the 2012 Riverwalk Improvements, not to exceed \$116,215. (Council Communication No. 11-762) Moved by Hensley to adopt. Motion Carried 7-0.

Date: November 19, 2007

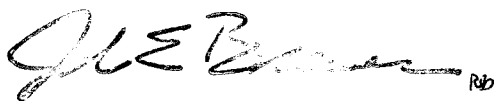
Roll Call Number: 07-2267

Action: Project Cooperation Agreement with Department of the Army for construction of Phase I of the Principal Riverwalk and approving agreement with Principal Life Insurance Company and The Des Moines River Front Development Authority for responsibility of Non-Federal Sponsor financial obligations and work related to the Principal Riverwalk. (Council Communication No. 07-680) Moved by Hensley to adopt. Motion Carried 7-0.

Date: October 24, 2005

Roll Call Number: 05-2600

Action: Vision Iowa Program Grant Award Agreement for the construction of the Rediscovering the Rivers Project including the Principal Riverwalk and Meredith Riverpoint Trail. (Council Communication No. 05-596) Moved by Hensley to adopt. Motion Carried 7-0.

A handwritten signature in black ink, appearing to read "JEB Brewer". The signature is fluid and cursive, with a small "RB" monogram at the end.

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

cc: Diane Rauh, City Clerk
Kathleen Vanderpool, Deputy City Attorney
Kurt Rasmussen, Jensen Construction Company
Ryan Carpenter, Principal Life Insurance Company
Pam Cooksey, Deputy City Engineer