



**Date** May 20, 2024

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR NEW YORK AVENUE FROM 44TH STREET TO 45TH STREET RECONSTRUCTION, MPS ENGINEERS, P.C. DBA KINGSTON SERVICES, P.C.**

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 New York Avenue from 44th Street to 45th Street Reconstruction, Activity ID 062022002, in accordance with the contract approved between MPS Engineers, P.C. dba Kingston Services, P.C., Umesh G. Shetye, President, 1444 Illinois Street, Des Moines, IA, 50314, under Roll Call No. 23-0449, of March 27, 2023, and the City of Des Moines, and recommending the acceptance thereof, be and the same is hereby approved, and accepted.

BE IT FURTHER RESOLVED: That \$356,363.88 is the total cost, of which \$345,672.96 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 \$10,690.92 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 Director of Finance be and is hereby authorized to release said retainage if suit is not filed as above provided.

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

FORM APPROVED:

FUNDS AVAILABLE:

s/Kathleen Vanderpool

Nickolas J. Schaul

Kathleen Vanderpool  
Deputy City Attorney

Nickolas J. Schaul  
Director of Finance



Funding Source: 2024-25 CIP, Page 80, Roadway Rehabilitation – Residential, ST013, Being: \$308,363.88 G.O. Bonds and \$48,000 to be transferred from SW081

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| BOESEN         |      |      |      |        |
| COLEMAN        |      |      |      |        |
| GATTO          |      |      |      |        |
| MANDELBAUM     |      |      |      |        |
| SIMONSON       |      |      |      |        |
| VOSS           |      |      |      |        |
| WESTERGAARD    |      |      |      |        |
| TOTAL          |      |      |      |        |

MOTION CARRIED

APPROVED

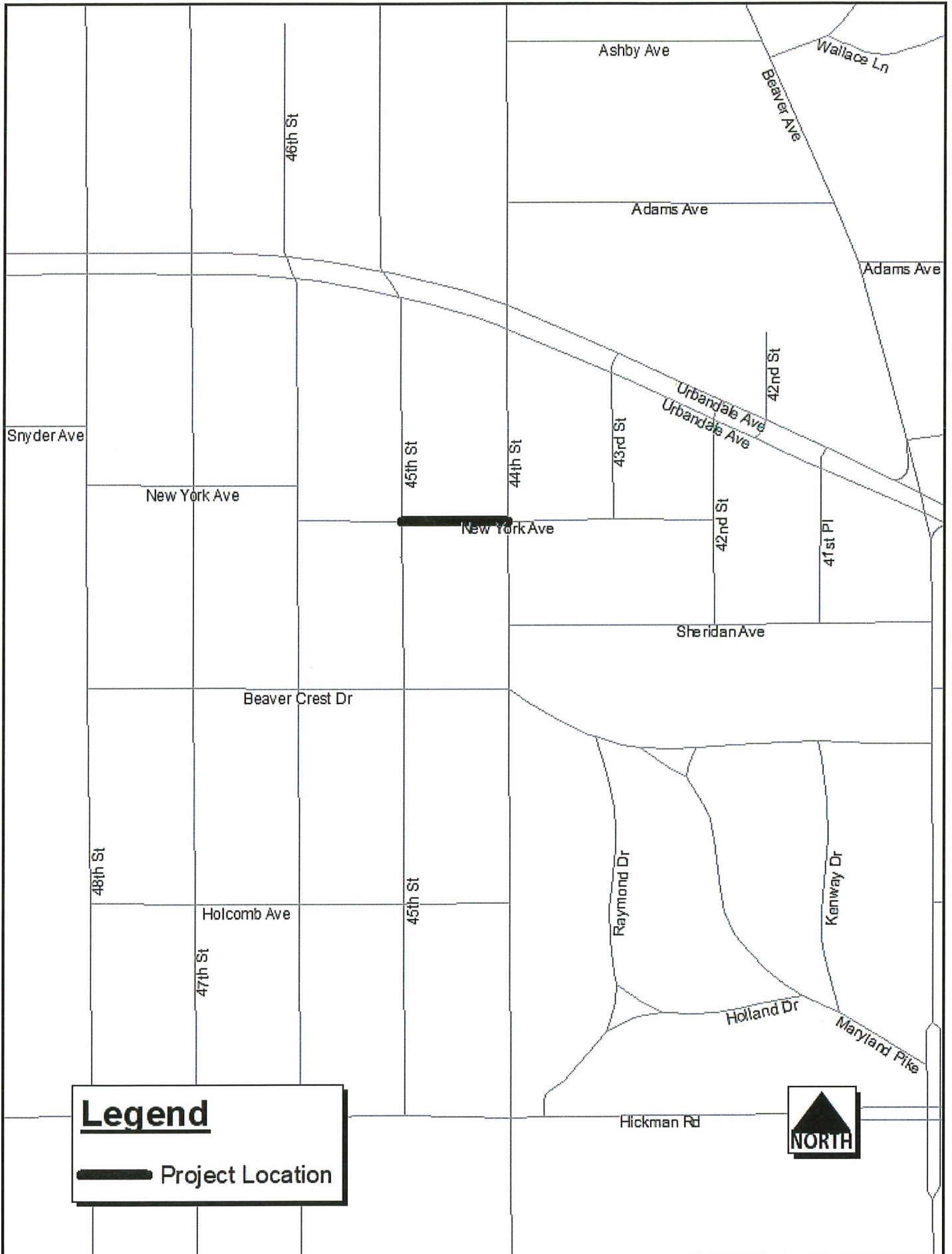
\_\_\_\_\_  
Mayor

**CERTIFICATE**

I, Laura Baumgartner, 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

New York Avenue from 44th Street to 45th Street Reconstruction

Activity ID 062022002

On March 27, 2023, under Roll Call No. 23-0449, the Council awarded the contract for the above improvements to MPS Engineers, P.C. dba Kingston Services, P.C., in the amount of \$367,739.00. 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  | City                | 4/26/2024<br>Adjusts quantities to as-built amounts, adds items for tree trimming and removal, resetting pavers and fence, additional topsoil and adds line items for liquidated damages for failure to complete the project in accordance with the contract completion requirement. | \$(11,375.12) |
| <b>Original Contract Amount</b>                      |                     |  | \$367,739.00  |
| <b>Total Change Orders</b>                           |                     |  | \$(11,375.12) |
| <b>Percent of Change Orders to Original Contract</b> |                     |  | (3.09)%       |
| <b>Total Contract Amount</b>                         |                     |  | \$356,363.88  |

May 20, 2024

**CERTIFICATION OF COMPLETION**

**AGENDA HEADING:**

Accepting completed construction and approving final payment for the New York Avenue from 44th Street to 45th Street Reconstruction, MPS Engineers, P.C. dba Kingston Services, P.C.

**SYNOPSIS:**

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

**FISCAL IMPACT:**

Amount: \$356,363.88 As-Built Contract Cost

Funding Source: 2024-25 CIP, Page 80, Roadway Rehabilitation – Residential, ST013, Being: \$308,363.88 G.O. Bonds and \$48,000 to be transferred from SW081

**CERTIFICATION OF COMPLETION:**

On March 27, 2023, under Roll Call No. 23-0449, the City Council awarded a contract to MPS Engineers, P.C. dba Kingston Services, P.C., Umesh G. Shetye, President, 1444 Illinois Street, Des Moines, IA 50314 for the construction of the following improvement:

New York Avenue from 44th Street to 45th Street Reconstruction, 062022002

The improvement includes roadway reconstruction with Portland Cement Concrete (PCC) pavement with integral curbs, modified subbase, subdrain, PCC driveways, pavement removal, grading, PCC sidewalk, storm sewer, traffic control, surface restoration, and other incidental items; all in accordance with the contract documents, including Plan File No. 654-001/022, located on New York Avenue from 44th Street to 45th Street in Des Moines, Iowa

I hereby certify that the construction of said New York Avenue from 44th Street to 45th Street Reconstruction, Activity ID 062022002, 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 June 21, 2023, and was completed on May 1, 2024.

I further certify that \$356,363.88 is the total cost of said improvement, of which \$345,672.96 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 \$10,690.92 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.



Steven L. Naber, P.E.  
Des Moines City Engineer

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ENGINEERING DEPARTMENT  
CITY OF DES MOINES, IOWA



ESTIMATE OF CONSTRUCTION COMPLETED  
FOR WORK DONE FROM 4/16/2024 5/1/2024  
FINAL PARTIAL PAYMENT

PROJECT: NEW YORK AVENUE FROM 44TH STREET TO 45TH STREET RECONSTRUCTION  
CONTRACTOR: MPS Engineers, PC dba Kingston Services, PC

IDOT #: 0  
ACTIVITY ID: 06-2022-002  
DATE: 5/1/2024

| ITEM NO. | DESCRIPTION  | UNIT | QUANTITIES |            |                     |                         | UNIT PRICE  | TOTAL AMOUNT |
|----------|--|------|------------|------------|---------------------|-------------------------|-------------|--------------|
|          |  |      | ESTIMATED  | AUTHORIZED | CONSTRUCTED TO DATE | CONSTRUCTED THIS PERIOD |             |              |
| 1        | Clearing and Grubbing                                    | LS   | 1.00       | 1.00       | 1.00                | 0.00                    | \$ 900.00   | \$900.00     |
| 2        | Tree Root Removal w/ Inspection                          | LS   | 1.00       | 1.00       | 1.00                | 0.00                    | \$ 1,250.00 | \$1,250.00   |
| 3        | Excavation, Class 10                                     | CY   | 600.00     | 600.00     | 600.00              | 0.00                    | \$ 54.00    | \$32,400.00  |
| 4        | Subgrade Preparation, 6"                                 | SY   | 1,550.00   | 1,518.60   | 1,518.60            | 0.00                    | \$ 1.00     | \$1,518.60   |
| 5        | Granular Stabilization                                   | TON  | 100.00     | 16.67      | 16.67               | 0.00                    | \$ 24.00    | \$400.08     |
| 6        | Subgrade Treatment, Woven Geotextile, Mirafi HP570       | SY   | 1,550.00   | 1,540.80   | 1,540.80            | 0.00                    | \$ 1.00     | \$1,540.80   |
| 7        | Subbase, Modified, 4"                                    | SY   | 1,550.00   | 1,518.60   | 1,518.60            | 0.00                    | \$ 8.00     | \$12,148.80  |
| 8        | Storm Sewer, Trenched, Corrugated PVC, Perforated, 15"   | LF   | 21.00      | 21.00      | 21.00               | 0.00                    | \$ 106.00   | \$2,226.00   |
| 9        | Storm Sewer, Trenched, 15"                               | LF   | 11.00      | 13.40      | 13.40               | 0.00                    | \$ 132.00   | \$1,768.80   |
| 10       | Storm Sewer, Trenched, 24"                               | LF   | 20.00      | 21.30      | 21.30               | 0.00                    | \$ 184.00   | \$3,919.20   |
| 11       | Removal of Storm Sewer, ≤ 30"                            | LF   | 60.00      | 60.00      | 60.00               | 0.00                    | \$ 35.00    | \$2,100.00   |
| 12       | Subdrain, 6"   | LF   | 10.00      | 0.00       | 0.00                | 0.00                    | \$ 75.00    | \$0.00       |
| 13       | Subdrain Outlets and Connections, CMP, 6"                | EA   | 2.00       | 0.00       | 0.00                | 0.00                    | \$ 750.00   | \$0.00       |
| 14       | Storm Sewer Service Stub, PVC, 6"                        | LF   | 25.00      | 25.00      | 25.00               | 0.00                    | \$ 65.00    | \$1,625.00   |
| 15       | Manhole, SW-406, 42"X42"                                 | EA   | 1.00       | 1.00       | 1.00                | 0.00                    | \$ 5,300.00 | \$5,300.00   |
| 16       | Intake, SW-504   | EA   | 1.00       | 1.00       | 1.00                | 0.00                    | \$ 5,500.00 | \$5,500.00   |
| 17       | Intake, SW-505   | EA   | 2.00       | 2.00       | 2.00                | 0.00                    | \$ 6,500.00 | \$13,000.00  |
| 18       | Manhole Adjustment, Minor, Storm, Type E, Des Moines Lid | EA   | 2.00       | 0.00       | 0.00                | 0.00                    | \$ 1,800.00 | \$0.00       |
| 19       | Intake Adjustment, Minor, Type R                         | EA   | 2.00       | 2.00       | 2.00                | 0.00                    | \$ 1,000.00 | \$2,000.00   |
| 20       | Manhole Adjustment, Major, Sanitary, Type B: PCC         | EA   | 1.00       | 1.50       | 1.50                | 0.00                    | \$ 3,500.00 | \$5,250.00   |
| 21       | Remove Structure   | EA   | 2.00       | 2.00       | 2.00                | 0.00                    | \$ 1,200.00 | \$2,400.00   |
| 22       | Pavement, PCC, 6"  | SY   | 1,350.00   | 1,448.41   | 1,448.41            | 0.00                    | \$ 67.00    | \$97,043.47  |
| 23       | Removal of Sidewalk/Driveway                             | SY   | 235.00     | 251.63     | 251.63              | 0.00                    | \$ 18.00    | \$4,529.34   |
| 24       | Sidewalk, PCC, 4"  | SY   | 200.00     | 245.90     | 245.90              | 0.00                    | \$ 68.00    | \$16,721.20  |
| 25       | Sidewalk, PCC, 6"  | SY   | 60.00      | 96.59      | 96.59               | 0.00                    | \$ 96.00    | \$9,272.64   |
| 26       | Detectable Warning, Cast Iron                            | SF   | 120.00     | 120.00     | 120.00              | 0.00                    | \$ 54.00    | \$6,480.00   |
| 27       | Driveway, Paved, PCC, 6"                                 | SY   | 120.00     | 105.08     | 105.08              | 0.00                    | \$ 72.00    | \$7,565.76   |
| 28       | Pavement Removal   | SY   | 1,350.00   | 1,688.76   | 1,688.76            | 0.00                    | \$ 9.25     | \$15,621.03  |
| 29       | Temporary Traffic Control                                | LS   | 1.00       | 1.00       | 1.00                | 0.00                    | \$ 4,806.00 | \$4,806.00   |
| 30       | Remove and Reinstall Sign Assembly                       | EA   | 4.00       | 4.00       | 4.00                | 0.00                    | \$ 500.00   | \$2,000.00   |
| 31       | Sod  | SQ   | 75.00      | 62.00      | 62.00               | 0.00                    | \$ 100.00   | \$6,200.00   |
| 32       | Filter Sock, 9"  | LF   | 875.00     | 0.00       | 0.00                | 0.00                    | \$ 1.25     | \$0.00       |
| 33       | Filter Socks, Removal                                    | LF   | 875.00     | 0.00       | 0.00                | 0.00                    | \$ 0.05     | \$0.00       |
| 34       | Stabilized Construction Exit                             | TON  | 100.00     | 30.30      | 30.30               | 0.00                    | \$ 75.00    | \$2,272.50   |

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| ITEM NO.                                    | DESCRIPTION  | UNIT | QUANTITIES |             |                     |                         | UNIT PRICE   | TOTAL AMOUNT  |
|---|--|------|------------|-------------|---------------------|-------------------------|--------------|---------------|
|   |  |      | ESTIMATED  | AUTHORIZED  | CONSTRUCTED TO DATE | CONSTRUCTED THIS PERIOD |              |               |
| 35  | Erosion Control Mulching, Hydromulching                  | AC   | 1.00       | 0.00        | 0.00                | 0.00                    | \$ 2,000.00  | \$0.00        |
| 36  | Inlet Protection Device                                  | EA   | 6.00       | 6.00        | 6.00                | 0.00                    | \$ 175.00    | \$1,050.00    |
| 37  | Inlet Protection Device, Maintenance                     | EA   | 18.00      | 18.00       | 18.00               | 0.00                    | \$ 25.00     | \$450.00      |
| 38  | Removal and Reinstallation of Existing Fence, Chain Link | LF   | 75.00      | 75.00       | 75.00               | 0.00                    | \$ 35.00     | \$2,625.00    |
| 39  | Removal and Reinstallation of Existing Pavers            | LS   | 1.00       | 1.00        | 1.00                | 0.00                    | \$ 1,000.00  | \$1,000.00    |
| 40  | Modular Block Retaining Wall                             | SF   | 350.00     | 350.00      | 350.00              | 0.00                    | \$ 38.00     | \$13,300.00   |
| 41  | Mobilization   | LS   | 1.00       | 1.00        | 1.00                | 0.00                    | \$ 69,450.00 | \$69,450.00   |
| 42  | Maintenance of Solid Waste Collection                    | LS   | 1.00       | 1.00        | 1.00                | 0.00                    | \$ 2,250.00  | \$2,250.00    |
| 43  | Concrete Washout   | LS   | 1.00       | 1.00        | 1.00                | 0.00                    | \$ 990.00    | \$990.00      |
| 44  | Sawcutting Dust and Slurry Management                    | LS   | 1.00       | 1.00        | 1.00                | 0.00                    | \$ 550.00    | \$550.00      |
| 45  | Temporary Granular Surfacing                             | TON  | 150.00     | 16.67       | 16.67               | 0.00                    | \$ 48.00     | \$800.16      |
| 46  | Tree Trunk Protection, 4'                                | EA   | 4.00       | 4.00        | 4.00                | 0.00                    | \$ 300.00    | \$1,200.00    |
| <b>Change Order Items</b>                   |  |      |            |             |                     |                         |              |               |
| 8001  | Tree Trimming  | LS   | 0.00       | 1.00        | 1.00                | 0.00                    | \$ 750.00    | \$750.00      |
| 8002  | Liquidated Damages (10/01/23 to 11/14/23)                | CDAY | 0.00       | 45.00       | 45.00               | 0.00                    | \$ (500.00)  | (\$22,500.00) |
| 8003  | 2809 45th Street Tree Removal                            | LS   | 0.00       | 1.00        | 1.00                | 0.00                    | \$ 1,877.00  | \$1,877.00    |
| 8004  | Reset Pavers, 2808 44th Street                           | LS   | 0.00       | 1.00        | 1.00                | 0.00                    | \$ 1,000.00  | \$1,000.00    |
| 8005  | Reset Fence, 2808 44th Street                            | LS   | 0.00       | 1.00        | 1.00                | 0.00                    | \$ 1,312.50  | \$1,312.50    |
| 8006  | Additional Topsoil Placement, 2808 44th Street           | LS   | 0.00       | 1.00        | 1.00                | 0.00                    | \$ 1,000.00  | \$1,000.00    |
| 8007  | Liquidated Damages, Day Count Reduction                  | CDAY | 0.00       | 23.00       | 23.00               | 0.00                    | \$ 500.00    | \$11,500.00   |
| ORIGINAL CONTRACT AMOUNT                    |  |      | \$         | 367,739.00  |                     |                         |              |               |
| TOTAL CHANGE ORDERS                         |  |      | \$         | (11,375.12) |                     |                         |              |               |
| ORIGINAL CONTRACT AMOUNT PLUS CHANGE ORDERS |  |      | \$         | 356,363.88  |                     |                         |              |               |
| PARTIAL PAYMENT NO. 1                       |  |      | \$         | 63,094.73   |                     |                         |              |               |
| PARTIAL PAYMENT NO. 2                       |  |      | \$         | 77,621.50   |                     |                         |              |               |
| PARTIAL PAYMENT NO. 3                       |  |      | \$         | 81,800.04   |                     |                         |              |               |
| PARTIAL PAYMENT NO. 4                       |  |      | \$         | 46,147.45   |                     |                         |              |               |
| PARTIAL PAYMENT NO. 5                       |  |      | \$         | 49,020.43   |                     |                         |              |               |
| PARTIAL PAYMENT NO. 6                       |  |      | \$         | 6,014.00    |                     |                         |              |               |
| PARTIAL PAYMENT NO. 7                       |  |      | \$         | 3,275.69    |                     |                         |              |               |
| PARTIAL PAYMENT NO. 8                       |  |      | \$         | 18,699.12   |                     |                         |              |               |
| THIS PARTIAL PAYMENT                        |  |      | \$         | -           |                     |                         |              |               |
| TOTAL PARTIAL PAYMENTS                      |  |      | \$         | 345,672.96  |                     |                         |              |               |
| BALANCE                                     |  |      | \$         | 10,690.92   |                     |                         |              |               |
| APPROXIMATE PERCENT COMPLETE                |  |      |            | 100.0%      |                     |                         |              |               |

QUANTITIES  
 PREPARED BY: Alisha Markuson  
 Project Inspector

CHECKED BY: Christopher Kuhl  
 Project Engineer

|                       |               |
|-----------------------|---------------|
| TOTAL                 | \$ 356,363.88 |
| RETAINAGE             | \$ 10,690.92  |
| TOTAL LESS RETAINAGE  | \$ 345,672.96 |
| LESS PREVIOUS PAYMENT | \$ 345,672.96 |
| AMOUNT DUE            | \$ -          |

FINAL PARTIAL PAYMENT