



Roll Call Number

09-264

Agenda Item Number

10

DATE February 23, 2009

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT  
AND ALSO APPROVING SUPPLEMENTAL CONTRACT IN THE AMOUNT OF \$10,379  
FOR POLICE STATION EMERGENCY GENERATOR, STROH CORPORATION**

WHEREAS, pursuant to §573.27, Code of Iowa, Stroh Corporation is requesting that the City Council of the City of Des Moines, Iowa, execute the attached supplemental contract for the uncompleted work on the project to which its surety has consented in the attached extension of the contract bond for time required to complete the supplemental contract.

NOW THEREFORE, 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 and that Stroh Corporation has satisfactorily completed more than 95% of the contract work on the Police Station Emergency Generator, 04-2007-015, in accordance with the contract approved between Stroh Corporation, Kelly Reames, Executive Vice President, 5000 Park Avenue, Des Moines, Iowa, 50321, under Roll Call No. 07-2420, of December 17, 2007, and the City of Des Moines, Iowa, and recommending the acceptance thereof, be and the same is hereby approved, and accepted, and

BE IT FURTHER RESOLVED: That \$635,982.41 is the partial final construction cost (more than 95% of the contract work completed) of which \$604,183.24 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 \$31,799.17 is to be paid at the end of thirty days, provided no claims or liens have been filed against said contract. In the event that at the end of said thirty (30) day period, claims are on file as herein provided, the City Council shall continue to retain from said unpaid funds, a sum not less than double the total amount of all claims on file, or the full Chapter 573 Code of Iowa retainage amount, whichever is lesser.

BE IT FURTHER RESOLVED: That the supplemental contract with consent of surety executed by Stroh Corporation, dated February 23, 2009, for the construction of the Police Station Emergency Generator, 04-2007-015, in the amount of \$10,379.00, the same to be performed in accordance with the plans and specifications which have been heretofore approved by the City Council, be and the same are hereby approved.

BE IT FURTHER RESOLVED: That the Mayor be and is hereby authorized and directed to sign said contract on behalf of the City of Des Moines, Iowa, and the City Clerk be and is hereby authorized and directed to attest to same.

BE IT FURTHER RESOLVED: That the Engineering Department be and is hereby authorized and directed to notify all persons and firms with outstanding Chapter 573 claims against said project, that the project has been given final acceptance as completed by this City Council, that they have 60 days from such acceptance within which to initiate suit to collect on their claims, and that if suit is not commenced within that time, the City Council will be required to release the retainage which it is now holding.

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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 Hensley to adopt.

APPROVED AS TO FORM:

FUNDS AVAILABLE:

Kathleen Vanderpool  
 Kathleen Vanderpool  
 Deputy City Attorney

Allen McKinley  
 Allen McKinley  
 Des Moines Finance Director

Funding Source: 2008-2009 CIP, Page Building-18, Police Station Remodeling, BLD062, G. O. Bonds

*SEB*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLISSIS	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		
<u>T. M. Franklin</u> 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.

Diane Rauh City Clerk