

★ Roll Call Number

09-370

Agenda Item Number

10A

DATE March 9, 2009

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT  
FOR M. L. KING JR. PARKWAY AND FLEUR DRIVE INTERSECTION/BRIDGES COMBINED  
PROJECT, JENSEN CONSTRUCTION CO. AND UNITED CONTRACTORS, INC., A JOINT  
VENTURE**

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 of the M. L. King Jr. Parkway and Fleur Drive Intersection/Bridges Combined Project, 06-2004-009, in accordance with the contract approved between Jensen Construction Co. and United Contractors, Inc., A Joint Venture, Kurt E. Rasumussen, Owner And Gary B. Sandquist, President, 5550 NE 22nd Street, Des Moines, IA 50313, under Roll Call No. 03-2922, of December 22, 2003, 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 \$28,417,643.29 is the total cost, of which \$28,397,633.09 has been paid the Contractor, with a \$9,989.82 reimbursement from the Contractor for overpayment, and \$0.00 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$30,000.02 is to be paid at the end of thirty days, provided no claims or liens have been filed against said contract, and also provided that a release of this payment has been approved by the Iowa Department of Transportation through the Des Moines Engineering Department. The Engineering and Finance Departments shall not release this payment until all projects audits have been completed, and any monetary penalties resulting from audit deficiencies shall be deducted from said balance of \$30,000.02 before being released to the Contractor. The Mayor be and is hereby authorized and directed to sign the Iowa Department of Transportation Certificate of Completion and Final Acceptance of Agreement Work. In the event that at the end of said thirty (30) day period, claims are on file as herein provided, the City of Des Moines 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 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 of Des Moines 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 Vlassis to adopt.

FORM APPROVED:

Kathleen Vanderpool  
 Kathleen Vanderpool  
 Deputy City Attorney

FUNDS AVAILABLE

Allen McKinley  
 Allen McKinley  
 Des Moines Finance Director

Funding Source: 2009-2010 CIP, Page Street-22, Martin Luther King Jr. Parkway - North/South Segment, STR138, Various Funding, Being:

\$15,388,039.18 In Federal Funds from various Federal Highway Agreements, \$7,213,368.59 in Iowa DOT Revitalize Iowa's Sound Economy (RISE) Program funds, \$5,352,035.17 State Interim Loan funds, and \$464,200.36 in City Tax Increment funds from STR138 for local match and non-reimbursable items.

NHSX-U-2787(205)--8S-77, NHSX-U-2787(213)--8S-77, NHSX-U-2787(214)--8S-77,  
 NHSX-U-2787(310)--8S-77, NHSX-U-2787(311)--8S-77

*928*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin  
 Mayor

I, Diane Rauh, City Clerk of said City Council, hereby certify that at a meeting of the City Council, 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