



Roll Call Number

09-1998

Agenda Item Number

11 B

DATE November 9, 2009

ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR FLEUR DRIVE/BLUE STREET RESURFACING - BEARDSLEY STREET TO S.W. 9TH STREET, OMG MIDWEST, INC. D/B/A DES MOINES ASPHALT & PAVING

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 Fleur Drive/Blue Street Resurfacing - Beardsley Street to S.W. 9th Street, 06-2009-009, in accordance with the contract approved between OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving, James Gauger, President, 5550 NE 22nd Street, P.O. Box 3365, Des Moines, IA 50316-0365, under Roll Call No. 09-924, of May 18, 2009, 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 \$498,888.48 is the total construction cost, of which \$483,921.83 has been paid the Contractor, with a final partial payment of \$0.00 to be paid now, and the remaining balance of \$14,966.65 be paid at the end of thirty days, provided no claims or liens have been filed against said project, and provided that a release of this payment has been approved by the Iowa Department of Transportation through the Department of Engineering for the City of Des Moines, Iowa. Said Engineering Department shall not release this payment until all project audits have been completed, and any monetary penalties resulting from audit deficiencies shall be deducted from said balance of \$14,966.65 before being released to the Contractor.

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.

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.

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Moved by Hensley to adopt.

FORM APPROVED:

FUNDS AVAILABLE

Kathleen Vanderpool
Kathleen Vanderpool
Deputy City Attorney

Allen McKinley
Allen McKinley
Des Moines Finance Director

Funding Source: 2009-2010 CIP, Page Street-32, Rehabilitation and Preservation of Major Roadways, STR222, Being: \$493,620.63 in Federal Stimulus Funds under the American Recovery and Reinvestment Act of 2009 for construction costs only, with any construction coverage and project administration costs from G.O. Bonds

ESL-1945(754)--7S-91

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN				✓
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	6			1

MOTION CARRIED

APPROVED

T. M. Franklin 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