



Roll Call Number

10-1712

Agenda Item Number

8 D

DATE October 25, 2010

ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR MCKINLEY AVENUE RESURFACING - FLEUR DRIVE TO SOUTH UNION 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 McKinley Avenue Resurfacing - Fleur Drive to South Union Street, 06-2009-011, 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. 09-1492, of August 10, 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 \$284,646.71 is the total cost, of which \$283,785.27 has been paid the Contractor, with a \$7,677.96 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 \$8,539.40 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, 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 \$8,539.40 before being released to the Contractor.

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 Mahaffey to adopt.

FORM APPROVED:

[Signature of Kathleen Vanderpool]

Kathleen Vanderpool
Deputy City Attorney

FUNDS AVAILABLE

[Signature of Allen McKinley]

Allen McKinley
Des Moines Finance Director

Funding Source: 2010-2011 CIP, Page Street-36, Rehabilitation and Preservation of Major Roadways, STR222, Being: \$284,646.71 in Federal Stimulus Funds from the American Recovery and Reinvestment Act (ARRA) of 2009 for 100% of construction costs with a \$339,405.16 maximum.

ESL-1945(755)--7S-77



Roll Call Number

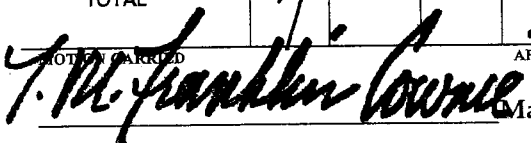
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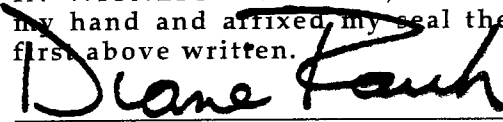
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GREISS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			


  
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