



Roll Call Number

11-2109

Agenda Item Number

15 A

DATE December 19, 2011

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT
FOR ARMY POST ROAD WIDENING - S.W. 9TH STREET TO S.E. 5TH STREET, REILLY
CONSTRUCTION CO., INC.**

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 Army Post Road Widening - S.W. 9th Street to S.E. 5th Street, 06-2009-005, in accordance with the contract approved between Reilly Construction Co., Inc., Chris R. Reilly, President, 110 E. Main Street, PO Box 99, Ossian, IA 52161, under Roll Call No. 09-2229, of December 7, 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: BE IT FURTHER RESOLVED: That \$1,736,227.24 is the total construction cost of which \$1,706,227.24 has been paid to the Contractor, with a final partial payment of \$0.00 to be paid now, and the remaining balance of \$30,000.00 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 \$30,000.00 before being released to the Contractor.

BE IT FURTHER RESOLVED: That the City Manager be and is hereby authorized and directed to certify the Pollution Prevention Plan Inspection Summary and the NPDES Stormwater General Permit Notice of Discontinuation for the above referenced project on behalf of the City of Des Moines and submit said documents to the Iowa Department of Natural Resources.

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 *Densley* to adopt.

FORM APPROVED:

Kathleen Vanderpool
Kathleen Vanderpool
Deputy City Attorney

FUNDS AVAILABLE

Scott E. Sanders
Scott E. Sanders
Des Moines Finance Director



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Funding Source: 2011-2012 CIP, Page Street-4, Army Post Widening - SE 5th to SW 9th, STR229, Being:
The project will be funded by the IDOT in two parts as follows:

- DEB*
1. Army Post Road Widening from SW 9th Street to South Union Street being:
 - \$370,781.62 in Federal Stimulus Funds under the American Recovery and Reinvestment Act of 2009 for 100% of construction costs under agreement ESL-1945(758)--7S-77
 - \$272,979.53 in Iowa DOT Traffic Safety Funds for 100% of construction contract costs only (Max \$500,000) under agreement CS-TSF-1945(731)--85-77
 2. Army Post Road Widening from South Union Street to SE 5th Street being:
 - \$629,218.38 in Federal Stimulus Funds under the American Recovery and Reinvestment Act of 2009 for 100% of construction costs under agreement ESL-1945(758)--7S-77
 - \$463,247.71 in Iowa DOT Traffic Safety Funds for 100% of construction contract costs only (Max \$500,000) under agreement CS-TSF-1945(713)--85-77

CS-TSF-1945(713)--85-77, CS-TSF-1945(731)--85-77, ESL-1945(758)--7S-77

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

MOTION CARRIED

APPROVED

T. M. Franklin
Council

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