

DATE April 20, 2009

ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR 2008 EXPANDED STREET RESURFACING PROGRAM - CONTRACT 3, 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 2008 Expanded Street Resurfacing Program - Contract 3, 06-2008-019, 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. 08-1614, of September 8, 2008, 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 \$599,071.75 is the total cost, of which \$569,118.16 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 \$29,953.59 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 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.

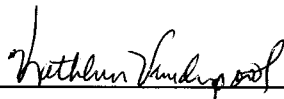
BE IT FURTHER RESOLVED: That the Engineering Department be and is hereby authorized and directed to notify all persons and firms with outstanding Chapter 573 claims against said project, that the project has been given final acceptance as completed by this City Council, that they have 60 days from such 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.

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 _____ to adopt.

FORM APPROVED:

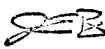
FUNDS AVAILABLE



Kathleen Vanderpool
Deputy City Attorney



Allen McKinley
Des Moines Finance Director

 Funding Source: 2009-2010 CIP, Page Street-42, Special City-wide Street Improvements, STR217, Being: Gaming Monies from the Agreement with Polk County and The Racing Association of Central Iowa

Roll Call Number

Agenda Item Number

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13C

Date April 20, 2009

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

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.

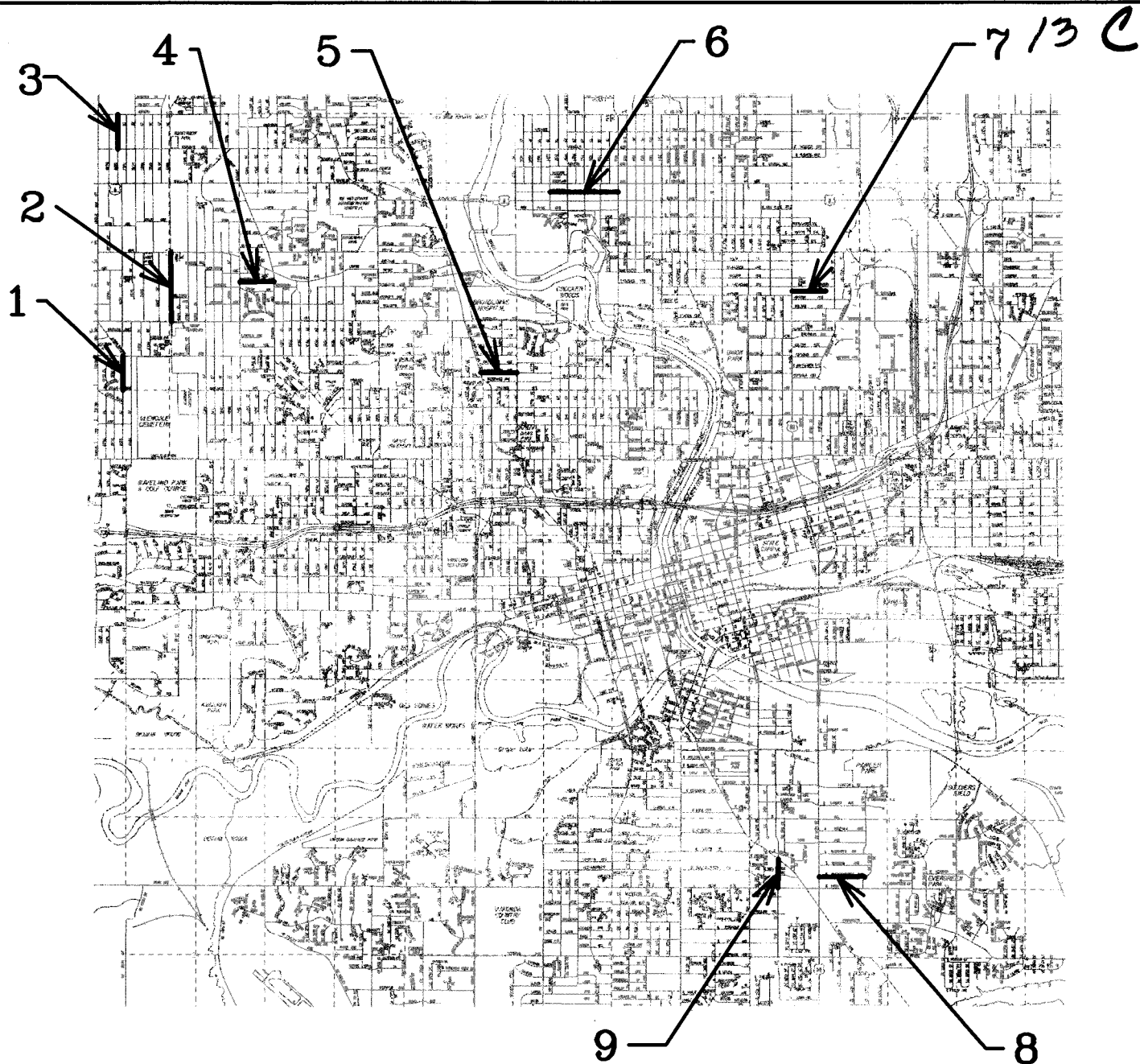
MOTION CARRIED

APPROVED

Mayor

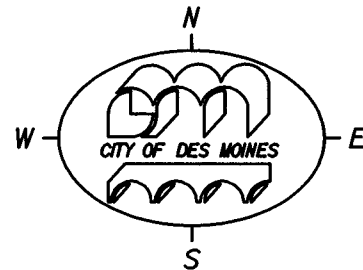
City Clerk

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PROJECT LOCATIONS

- 1 56th St - College Ave to Franklin Ave
- 2 50th St - Hickman Road to Urbandale Ave
- 3 56th St - Madison Ave to Aurora Ave
- 4 Sheridan Ave - 44th St to Beaver Ave
- 5 Washington Ave - 16th St to ML King Jr. Pkwy.
- 6 Clinton Ave - 6th St to 12th St
- 7 Royer St - E. 14th St to D.E. E of E. 14th St
- 8 Pleasantview Dr - SE 14th St to SE 17th St
- 9 SE 8th St - Park Ave to Indianola Road



2008 EXPANDED STREET RESURFACING PROGRAM - CONTRACT 3

ACTIVITY I.D. 06-2008-019

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PROJECT SUMMARY

2008 Exp Street Resurfacing Contract 3

Activity ID 06-2008-019

On September 8, 2008, by Roll Call No. 08-1613, the City Council awarded the contract for the above construction to OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving Co. The 2008 Expanded Street Resurfacing Program - Contract 3, Activity ID 06-2008-019, described as: scarification of existing asphalt streets, furnish and place hot mix asphalt, and furnish and place pavement markings, and other incidental items; in accordance with the contract documents, including Plans File Nos. 491-104/109, at the following locations:

- 1 56th Street - College Avenue to Franklin Avenue
- 2 50th Street - Hickman Road to Urbandale Avenue
- 3 56th St - Madison Ave to Aurora Ave
- 4 Sheridan Avenue - 44th Street to Beaver Avenue
- 5 Washington Avenue - 16th Street to ML King Jr. Pkwy.
- 6 Clinton Avenue - 6th Street to 12th Street
- 7 Royer Street - E. 14th Street to D.E. E of E. 14th Street
- 8 Pleasantview Drive - SE 14th Street to SE 17th Street
- 9 SE 8th Street - Park Avenue to Indianola Road

Tabulated below is a history of project change orders.

<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
1	12/12/2008 Extra work is to clean and repair a buried manhole that was hit on Clinton Ave.	Engineering	\$1,500.00
2	4/3/2009 Adjust quantities to final agreed upon quantities.	Engineering	(\$32,231.25)
Original Contract Amount			\$629,803.00
Total Change Orders			(\$30,731.25)
Percent of Change Orders to Original Contract			-4.88%
Final Contract Amount			\$599,071.75

April 20, 2009

CERTIFICATION OF COMPLETION



AGENDA HEADING:

Accepting completed construction and approving final payment for the 2008 Expanded Street Resurfacing Program - Contract 3, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving.

SYNOPSIS:

Approve the Jurisdictional Engineer's Certification of Completion, accept construction of said improvement, and authorize final payment to the contractor.

FISCAL IMPACT:

Amount: \$599,071.75 As-Built Contract Cost

Funding Source: 2009-2010 CIP, Page Street-42, Special City-wide Street Improvements, STR217, Being: Gaming Monies from the Agreement with Polk County and The Racing Association of Central Iowa

CERTIFICATION OF COMPLETION:

On September 8, 2008, under Roll Call No. 08-1614, the City Council awarded a contract to 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 for the construction of the following improvement:

2008 Expanded Street Resurfacing Program - Contract 3, 06-2008-019

The improvement includes scarification of existing asphalt streets, furnish and place hot mix asphalt, and other incidental items; in accordance with the contract documents, including Plans File Nos. 491-104/109, at the following locations:

- 56th Street - College Avenue to Franklin Avenue
- 50th Street - Hickman Road to Urbandale Avenue
- 56th Street - Madison Avenue to Aurora Avenue
- Sheridan Avenue - 44th Street to Beaver Avenue
- Washington Avenue - 16th Street to ML King Jr. Pkwy.
- Clinton Avenue - 6th Street to 12th Street
- Royer Street - E 14th Street to Dead End East of E 14th Street
- Pleasantview Drive - SE 14th Street to SE 17th Street
- SE 8th Street - Park Avenue to Indianola Road

I hereby certify that the construction of said 2008 Expanded Street Resurfacing Program - Contract 3, Activity ID 06-2008-019, has been completed in substantial compliance with the terms of said contract, and I hereby recommend that the work be accepted. The work commenced on September 19, 2008, and was completed on April 14, 2009.



I further certify that \$599,071.75 is the total cost of said improvement, of which \$569,118.16 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 \$29,953.59 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 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. The amount of completed work is shown on the attached Estimate of Construction Completed.



Jeb E. Brewer, P.E.
Des Moines City Engineer

