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DATE July 27, 2009

ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR SKYWALKS 11D-12D & 11C-12B AT ALLIED, NEUMANN BROTHERS, INC.

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 Skywalks 11D-12D & 11C-12B at Allied, 12-2007-001, in accordance with the contract approved between Neumann Brothers, Inc., Marshall G. Linn III, President/CEO, 1435 Ohio Street, Des Moines, IA 50314, under Roll Call No. 07-2075, of October 22, 2007, 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 \$1,734,960.85 is the total cost, of which \$1,648,212.81 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 \$86,748.04 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
Kathleen Vanderpool *by Allenna K. Frank*
Deputy City Attorney

Allen McKinley
Allen McKinley
Des Moines Finance Director

Funding Source: 2009-2010 CIP, Page Sidewalk-6, Downtown Skywalk System, SID094, Various Funding, Being:

JEB \$391,162.11 in private funds from Nationwide and \$1,343,798.74 in TIF-backed G.O. Bonds based on As-built construction costs.

★ **Roll Call Number**

Agenda Item Number

_____ 10 D

DATE July 27, 2009

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

MOTION CARRIED

APPROVED

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.

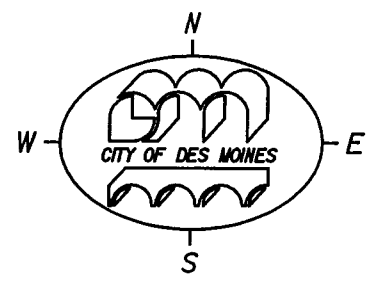
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

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PROJECT LOCATION



SKYWALKS 11D-12D & 11C-12B ACTIVITY I.D. 12-2007-001

PROJECT SUMMARY

Skywalks 11D-12D & 11C-12B at Allied Activity ID 12-2007-001

On October 22, 2007 under Roll Call 07-2075 the City Council awarded the contract for Skywalk Bridges 11D-12D & 11C-12B at Allied to Neumann Brothers Inc. in the amount of \$1,664,000 for:

Construction of a Skywalk Bridges including steel fabrication and erection, curtain wall, concrete work, roofing, mechanical, electrical, HVAC, drywall, painting, floor coverings and finish work all accordance with the contract documents including Plan File Nos. 474-58/83 over 12th Street north of Walnut Street and diagonally over the intersection of 12th and Mulberry Streets, Des Moines, IA..

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	1/26/2009 Additional cost due to parking garage delays, truss connection modifications, alternate insulation, revise soffit framing, fill holes in truss connections.	Consultant	\$13,050.84
2	2/6/2009 Modifications to truss members of 11C-12B	Consultant	\$20,133.72
3	4/6/2009 Additional cost due to parking garage delays.	Contractor	\$24,085.01
4	7/13/2009 Electrical, fire wall, ceiling, floor covering, flashing changes. Install fire extinguisher & cabinet, credit for insulation change and eliminate fire doors.	Consultant	\$13,691.28
Original Contract Amount			\$1,664,000.00
Total Change Orders			\$70,960.85
Percent of Change Orders to Original Contract			4.26%
Final Contract Amount			\$1,734,960.85

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July 27, 2009



CERTIFICATION OF COMPLETION

AGENDA HEADING:

Accepting completed construction and approving final payment for the Skywalks 11D-12D & 11C-12B at Allied, Neumann Brothers, Inc..

SYNOPSIS:

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

FISCAL IMPACT:

Amount: \$1,734,960.85 As-Built Contract Cost

Funding Source: 2009-2010 CIP, Page Sidewalk-6, Downtown Skywalk System, SID094, Various Funding, Being:

\$391,162.11 in private funds from Nationwide and \$1,343,798.74 in TIF-backed G.O. Bonds based on As-built construction costs.

CERTIFICATION OF COMPLETION:

On October 22, 2007, under Roll Call No. 07-2075, the City Council awarded a contract to Neumann Brothers, Inc., Marshall G. Linn III, President/CEO, 1435 Ohio Street, Des Moines, IA 50314 for the construction of the following improvement:

Skywalks 11D-12D & 11C-12B at Allied, 12-2007-001

The improvement includes construction of two separate skywalk bridges including steel fabrication and erection, curtain wall, concrete work, roofing, mechanical, electrical, HVAC, drywall, painting, floor coverings and finish work all in accordance with the contract documents including Plan File Nos. 474-58/83 over 12th Street north of Walnut Street (11D-12D) and diagonally over the intersection of 12th and Mulberry Streets (11C-12B), Des Moines, Iowa

I hereby certify that the construction of said Skywalks 11D-12D & 11C-12B at Allied, Activity ID 12-2007-001, 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 July 31, 2008, and was completed on July 10, 2009.

I further certify that \$1,734,960.85 is the total cost of said improvement, of which \$1,648,212.81 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 \$86,748.04 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

APPLICATION AND CERTIFICATE FOR PAYMENT AIA DOCUMENT G702

TO: City of Des Moines
 Engineering Department
 400 Robert D. Ray Drive
 Des Moines, IA 50309

PROJECT: Skywalks 11D-12D & 11C-12B
 at Allied

#42568

APPLICATION NO: 18

DISTRIBUTION TO:

OWNER
 ARCHITECT
 CONTRACTOR

FROM: Neumann Brothers, Inc.
 PO Box 1315
 Des Moines, IA 50305
 FOR: General Construction

ARCHITECT: 360 Architecture, Inc.
 375 N Front Street Ste 350
 Columbus, OH 43215
 Attn: Brenda Parker

PROJECT NO: 07-1-554

CONTRACT DATE: 10/22/2007

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for Payment, as shown below, in connection with the Contract.
 Continuation Sheet, AIA G703, is attached

CHANGE ORDER SUMMARY			
CHANGE ORDERS APPROVED IN PREVIOUS MONTHS BY OWNER	ADDITIONS	DEDUCTIONS	
TOTAL	57,269.57	0.00	
APPROVED THIS MONTH			
NUMBER	DATE APPROVED		
CO #4	7/9/2009	13,691.28	
TOTALS	70,960.85	0.00	70,960.85

The undersigned Contractor certifies that to the best of his knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by him for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: NEUMANN BROTHERS, INC.
 BY: *[Signature]* DATE: 7/16/09

- 1. ORIGINAL CONTRACT SUM \$ 1,664,000.00
- 2. Net change by Change Orders \$ 70,960.85
- 3. CONTRACT SUM TO DATE \$ 1,734,960.85
- 4. TOTAL COMPLETED & STORED TO DATE \$ 1,734,960.85
 (Column G on G703)

5. RETAINAGE:

- a. 5.00% of completed work \$ 86,748.04
 (Column D + E on G703)
- b. 5.00% of stored material \$ -
 (Column F on G703)

Total Retainage (Line 5a + 5b or Total in Column I of G703) \$ 86,748.04

- 6. TOTAL EARNED LESS RETAINAGE \$ 1,648,212.81
 (Line 4 less Line 5 Total)

7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate) \$ 1,648,212.81

- 8. CURRENT PAYMENT DUE \$ -

- 9. BALANCE TO FINISH, PLUS RETAINAGE \$ 86,748.04
 (Line 3 less Line 6)

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to the Owner that the Work has progressed to the point indicated; that to the best of his knowledge, information and belief, the quality of Work is in accordance with the Contract Documents; and that the Contractor is entitled to payment of the AMOUNT CERTIFIED.

State of: Iowa County of: Polk
 Subscribed and sworn to before me this 16th day of July 2009
 Notary Public: *[Signature]*
 My Commission expires: 5/10/2010

AMOUNT CERTIFIED \$ 0.00
 (Attach explanation if amount certified differs from the amount applied for.)

By: *[Signature]* ARCHITECT/ENGINEER Date: JULY 16, 2009

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance are without prejudice to any rights of the Owner or Contractor under this Contract.

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CONTINUATION SHEET

AIA DOCUMENT G703

AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certificate is attached.
 In tabulations below, amounts are stated to the nearest dollar.
 Use column I on Contracts where variable retainage for line items may apply.

APPLICATION NUMBER: 18
 APPLICATION DATE: 7/16/2009
 PERIOD FROM: 5/1/2009
 TO: 7/16/2009

ARCHITECT'S PROJECT NO:

A ITEM No.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D PREVIOUS APPLICATIONS		E WORK COMPLETED THIS APPLICATION		F STORED MATERIALS (not in D or E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G/C)	H BALANCE TO FINISH (C-G)	I RETAINAGE
			WORK IN PLACE	STORED MATERIALS	WORK IN PLACE	STORED MATERIALS					
	Page 2 Subtotal	1,566,061.00	1,566,061.00	0.00	0.00	0.00	1,566,061.00	100.0%	0.00	78,303.05	
	Page 3 Subtotal	168,899.85	168,899.85	0.00	0.00	0.00	168,899.85	100.0%	0.00	8,444.99	
	Page 4 Subtotal	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.00	0.00	
	Page 5 Subtotal	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.00	0.00	
	Page 6 Subtotal	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.00	0.00	
	Project Totals	1,734,960.85	1,734,960.85	0.00	0.00	0.00	1,734,960.85	100.0%	0.00	86,748.04	

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CONTINUATION SHEET

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Use column I on Contracts where variable retainage for line items may apply.

ARCHITECT'S PROJECT NO:

A ITEM No.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D PREVIOUS APPLICATIONS		E WORK COMPLETED THIS APPLICATION		F STORED MATERIALS (not in D or E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)		H BALANCE TO FINISH (C-G)	I RETAINAGE
			PREVIOUS APPLICATIONS	WORK IN PLACE	WORK COMPLETED THIS APPLICATION	% (G/G)					
1	General Conditions	110,522.00	110,522.00					110,522.00	100.0%	0.00	5,526.10
2	Bond	11,516.00	11,516.00					11,516.00	100.0%	0.00	575.80
3	11C-12B										
4	Concrete Topping	8,264.00	8,264.00					8,264.00	100.0%	0.00	413.20
5	Reinforcing Steel	1,100.00	1,100.00					1,100.00	100.0%	0.00	55.00
6	Structural Steel	345,649.00	345,649.00					345,649.00	100.0%	0.00	17,282.45
7	Metal Fabrications	4,264.00	4,264.00					4,264.00	100.0%	0.00	213.20
8	Expansion Joint	8,591.00	8,591.00					8,591.00	100.0%	0.00	429.55
9	Rough Carpentry	1,606.00	1,606.00					1,606.00	100.0%	0.00	80.30
10	Membrane Roofing	40,120.00	40,120.00					40,120.00	100.0%	0.00	2,006.00
11	Caulking/Sealants	264.00	264.00					264.00	100.0%	0.00	13.20
12	Hollow Metal	8,733.00	8,733.00					8,733.00	100.0%	0.00	436.65
13	Glazed Curtainwall	386,908.00	386,908.00					386,908.00	100.0%	0.00	19,345.40
14	Drywall	67,274.00	67,274.00					67,274.00	100.0%	0.00	3,363.70
15	Carpeting	11,255.00	11,255.00					11,255.00	100.0%	0.00	562.75
16	Painting	6,562.00	6,562.00					6,562.00	100.0%	0.00	328.10
17	Mechanical Work	51,256.00	51,256.00					51,256.00	100.0%	0.00	2,562.80
18	Electrical Work	85,375.00	85,375.00					85,375.00	100.0%	0.00	4,268.75
19	11D-12D										
20	Concrete Topping	4,021.00	4,021.00					4,021.00	100.0%	0.00	201.05
21	Reinforcing Steel	498.00	498.00					498.00	100.0%	0.00	24.90
22	Structural Steel	158,518.00	158,518.00					158,518.00	100.0%	0.00	7,925.90
23	Metal Fabrications	2,132.00	2,132.00					2,132.00	100.0%	0.00	106.60
24	Expansion Joint	8,591.00	8,591.00					8,591.00	100.0%	0.00	429.55
25	Rough Carpentry	1,041.00	1,041.00					1,041.00	100.0%	0.00	52.05
26	Waterproofing	3,543.00	3,543.00					3,543.00	100.0%	0.00	177.15
27	Membrane Roofing	30,126.00	30,126.00					30,126.00	100.0%	0.00	1,506.30
28	Caulking/Sealants	264.00	264.00					264.00	100.0%	0.00	13.20
29	Glazed Curtainwall	154,257.00	154,257.00					154,257.00	100.0%	0.00	7,712.85
30	Drywall	53,811.00	53,811.00					53,811.00	100.0%	0.00	2,690.55
Subtotal Page 2		1,566,061.00	1,566,061.00	0.00	0.00	0.00	0.00	1,566,061.00	100.0%	0.00	78,303.05

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