

**COUNCIL ACTION FORM**

**SUBJECT: CYRIDE FACILITY CONSTRUCTION ACCEPTANCE AND FINAL COMPLETION AND RELEASE OF RETAINAGE**

**BACKGROUND:**

CyRide's facility construction project began in March 2013 to include expansion of its bus storage area, construction of a flood wall/gate, and reconstruction of CyRide's original bus storage area to raise the ducts, allowing use by all buses. Henkel Construction Company was awarded a contract for this work at a total price of \$4,489,000. The following information details the original contract, change orders, actual payments, remaining balance and retainage amounts.

Original Contract Sum	\$4,489,000.00
Net Change with Change Order #1-43	\$ 496,642.70
New Contract Sum	\$4,985,642.70
Payment Made To-Date	\$4,793,985.08
<b>Unpaid Balance – Retainage (5%)</b>	<b>\$249,282.14</b>

The project was substantially complete on January 29, 2014.

One subcontractor claim had been filed against the project. However, this claim was successfully resolved in January 2015. As of June 1, 2015, all conditions of the construction contract have been met by Henkel Construction, with the following close out requirements being completed:

- Punch-List Items
- Operating and Maintenance Manuals
- As Built Drawings
- Lien Waivers
- Final Pay Application –**CyRide has received two pay applications for the total retainage amount of \$249,282.14. These two applications are for \$57,624.52 (Pay Application #16) and \$191,657.62 (Pay Application #17).**

Acceptance of the project as complete and release of the retainage amount was approved by the Transit Board of Trustees on June 23, 2015.

**ALTERNATIVES:**

1. Accept final completion and approve final payments in the amounts of \$57,624.52 and \$191,657.62 to Henkel Construction Company for completion of the Ames Transit Agency facility construction.
2. Do not accept the Ames Transit Agency facility construction project as complete and withhold payment of the retainage to address City Council identified issues.

**MANAGER'S RECOMMENDED ACTION:**

With all claims, construction documents, lien waivers, and punch list items being completed, as well as the final certificate of occupancy received, all conditions of the project are have been satisfied, allowing for final acceptance of the project and payment of the retainage amount.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby accepting the Ames Transit Agency facility construction project as complete and releasing the total retainage amount of \$249,282.14 in two pay applications to Henkel Construction Company.