

**COUNCIL ACTION FORM**

**SUBJECT: CYRIDE FACILITY FLOOD CONSTRUCTION CHANGE ORDER AND FINAL RETAINAGE PAYMENT**

**BACKGROUND:**

In August 2010, CyRide's facility received approximately 12 inches of water from the Squaw Creek flooding event. Since that time, staff has worked to recover from the aftermath of the flood. The facility and equipment clean up and repairs have now been completed for a total loss claim of \$819,507.35. Final reconciliation with the City of Ames' Insurance Carrier, FM Global, is pending.

As part of the recovery effort, the City Council approved an emergency construction contract on August 10, 2010 to reconstruct the facility to its previous state. HPC construction, the original contractor, was hired to complete the work as part of the flood claim. The total cost of this contract was approved at \$423,102. However, the final, actual cost under this contract is \$332,887, a savings of \$90,215.

The building repairs were completed in late November and all punch list items have been completed. As the facility was completed in 2008 and reconstructed back to its original condition, there were no operating or maintenance manuals or As-Built drawings required under this contract. In addition, CyRide has received the following three closeout documents:

- **Lien Waivers** – The City's Finance Department has reviewed the list of subcontractors and received waivers from each of these firms.
- **Sworn Statement from the Contractor** – State law requires that the contractor notify all subcontractors 10 days prior to requesting retainage under the contract. This statement has been received.
- **State Sales Tax Reimbursement Forms** – HPC has provided CyRide with the state-required forms to request reimbursement of the sales tax for material purchased for this construction project.

The final pay application requesting retainage of \$16,644.35 is attached. The remaining balance of \$316,242.65 has been previously paid to HPC.

The Transit Board approved release of the retainage, a change order reducing the total contract amount to \$332,887, and acceptance of the public improvement at their March 29, 2011 meeting.

**ALTERNATIVES:**

1. Approve final payment in the amount of \$16,644.35 for retainage to HPC Construction for reconstruction of CyRide's office building, and approve a deduct contract change order in the amount of \$90,215.
2. Do not approve the change order and payment of the retainage.

**MANAGER'S RECOMMENDED ACTION:**

HPC Construction has successfully completed the contracted repairs and construction work at CyRide, and has requested final payment under the contract. All final approvals have been received from the architect and all required paperwork is in order. One final change order will bring the project in under budget.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving final payment of the retainage, and change in contract amount, for the reconstruction of CyRide's building after it was flooded in August 2010.

TO OWNER: City of Ames, Transit Department  
 1700 University Blvd  
 Ames IA 50010

PROJECT: CyRide Bus Maintenance Facility  
 Flood Damage 2010

APPLICATION NO.: #4 (Final)  
 PERIOD TO: 1/28/11  
 PROJECT NOS.:  OWNER  
 ARCHITECT  
 CONTRACTOR

FROM CONTRACTOR: HPC, L.L.C.  
 120 N. Sherman Ave  
 Ames, Iowa 50010

VIA ARCHITECT: Architects Schipper Kastner  
 3716 Ingersoll Ave #A  
 Des Moines IA 50312

CONTRACT NO.: #4 (Final)  
 CONTRACT DATE: September 14, 2010

CONTRACT FOR: \_\_\_\_\_

**CONTRACTOR'S APPLICATION FOR PAYMENT**  
 Application is made for payment, as shown below, in connection with the Contract.  
 Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM ..... \$ 423,102.00
2. Net change by Change Orders ..... \$ (90,215.00)
3. CONTRACT SUM TO DATE (Line 1 + 2) ..... \$ 332,887.00
4. TOTAL COMPLETED & STORED TO DATE ..... \$ 332,887.00  
 (Column G on G703)
5. RETAINAGE:
  - a. 0% of Completed Work ..... \$ 0.00  
 (Column D + E on G703)
  - b. 0% of Stored Material ..... \$ .....  
 (Column F on G703)

Total Retainage (Line 5a + 5b or Total in Column I of G703) ..... \$ 0.00

6. TOTAL EARNED LESS RETAINAGE ..... \$ 332,887.00  
 (Line 4 less Line 5 Total)

7. LESS PREVIOUS CERTIFICATES FOR PAYMENT ..... \$ 316,242.65  
 (Line 6 from prior Certificate)

8. CURRENT PAYMENT DUE ..... \$ 16,644.35

9. BALANCE TO FINISH, INCLUDING RETAINAGE ..... \$ 0.00  
 (Line 5 less Line 6)

**ARCHITECT'S CERTIFICATE FOR PAYMENT**

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

AMOUNT CERTIFIED ..... \$ .....  
 (Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT: \_\_\_\_\_ Date: \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

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

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner		90,215.00
Total approved this Month		90,215.00
<b>TOTALS</b>		<b>90,215.00</b>
NET CHANGES by Change Order:		

CONTRACTOR: \_\_\_\_\_

Notary Public: Joni Bachman  
 My Commission expires: 3/26/11

State of: Iowa  
 County of: Story  
 Subscribed and sworn to before me this 16th day of March, 2011

CONTRACTOR: [Signature] Date: 3/16/11