

MEMORANDUM

TO: Gregg Mandsager, City Administrator

FROM: Richard Klimes, Director of Parks and Recreation

DATE: March 29, 2017

RE: Resolution Accepting Completed Work and Authorizing Final Payment for the Muscatine Harbor Rip-Rap Maintenance Project

INTRODUCTION:

Please accept this memo and the attached Resolution Accepting Completed Work and Authorizing Final Payment for the Muscatine Harbor Rip-Rap Maintenance Project.

BACKGROUND:

The Muscatine City Council awarded the contract for the Muscatine Harbor Rip-Rap Maintenance Project to Legacy Corporation of Illinois in the amount of \$98,880.00. There was a reduction in project cost of \$2,245.09 due to 32.22 CY less quantity of rip-rap needed to complete the project which resulted in a final contract cost of \$96,634.91. The bid unit price was used to calculate the cost reduction. This project is part of the R.E.A.P. Grant for harbor improvements.

RECOMMENDATION:

As the General Contractor, Legacy Corporation has satisfied the requirements of the contract. It is staff's recommendation for the City Council to approve the proposed resolution accepting completed work and authorizing the immediate payment for the Muscatine Harbor Rip-Rap Project in the amount of \$91,803.17. Additionally, as required by Iowa Code, the 5% retainage of \$4,831.74 will be held for an additional 30 days.

BACKUP INFORMATION:

1. Resolution Accepting Completed Work
2. Final Invoice
3. Final Waiver of Lien

Thank you for your time and attention to this matter. Please contact me if you have any questions or concerns.

C. Nick Gow, Superintendent of Parks
Nancy Lueck, City Finance Director

RESOLUTION NO. _____

**RESOLUTION ACCEPTING COMPLETED WORK PERFORMED FOR THE
HARBOR RIP-RAP MAINTENANCE PROJECT AND AUTHORIZING FINAL
PAYMENT**

WHEREAS, The City of Muscatine approved a contract for said project with Legacy Corporation of Illinois for \$98,880.00; and

WHEREAS, one contract quantity deduction resulted in a deduct of (\$-2,245.09) and a final contract price of \$96,634.91; and

WHEREAS, all work under this contract has been completed by the contractor and approved and accepted, as having met the requirements of the plans and specifications heretofore adopted; and

WHEREAS, a payment of \$91,803.17 is scheduled for April 7, 2017 and a retainage of \$4,831.74 remains due and payable;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MUSCATINE, IOWA, that the City of Muscatine hereby accepts work performed and authorizes payment of \$4,831.74, which represents the required retainage, thirty (30) days from the date of the adoption of this Resolution pursuant to Iowa Code Chapter 573.

PASSED AND APPROVED this 6th day of April, 2017.

CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA

Diana L. Broderson, Mayor

ATTEST:

Gregg Mandsager, City Administrator

INVOICE

Invoice 5253
 Invoice Date: Feb 22, 2017



LEGACY CORPORATION OF IL
 16322 Barstow Road
 East Moline, IL 61244

Voice: 309-203-1094
 Fax: 309-423-2048

Bill To:

City of Muscatine
 215 Sycamore
 Muscatine, IA 52761

Work Performed At:

City of Muscatine
 Harbor Wall - Harbor Drive
 Muscatine, IA 52761

Purchase Order No.**Due Date****Payment Terms**

3/9/17

Net 15 Days

Quantity	U/M	Description	Rate	Amount
Delivery and placement of rip rap per contract dated April 21, 2016 for the "Harbor Wall Rip Rap Maintenance" project.				
1.00	<Each>	Mobilization	1,399.36	1,399.36
1,315.78	CY	Rip Rap Delivery	53.68	70,631.07
1,315.78	CY	Rip Rap Placement	16.00	21,052.48
222.00	CY	Rip Rap Placement	16.00	3,552.00

Total Invoice Amount 96,634.91

Payment/Credit Applied

TOTAL 96,634.91

Thank you for your business. If you have any questions, please contact Blake at 309-314-4588.

FINAL WAIVER OF LIEN

State of Iowa

County of Clinton

TO WHOM IT MAY CONCERN:

Whereas the undersigned has been employed by LEGACY CORPORATION to furnish materials for the premises known as MUSCATINE HARBOR, Harbor Drive, Muscatine, Iowa of which the CITY OF MUSCATINE is the owner.

NOW THEREFORE, the undersigned, for and in consideration of the sum of FORTY FIVE THOUSAND TWENTY THREE DOLLARS AND THIRTY EIGHT CENTS (\$45,023.38), and other good and valuable considerations, the receipt whereof is hereby acknowledged does hereby waive and release any and all lien or claim or right of lien under the statutes of the State of Iowa relating to mechanics' or material liens on the above described premises and improvements thereon, and on the monies or other considerations due or that may become due from the owner on account of labor or services, material, fixtures, apparatus, or machinery heretofore furnished or that may be furnished at any time hereafter by the undersigned, to or on account of said owner, for the above described premises without prejudice to assert any right of lien as to any labor, services, material, fixtures, apparatus, or machinery hereafter furnished by the undersigned.

Given under my/our hand this 17th day of March, 2017.

COMPANY NAME: Wendling Quarries, Inc.

Signature and seal: Kathy Tague

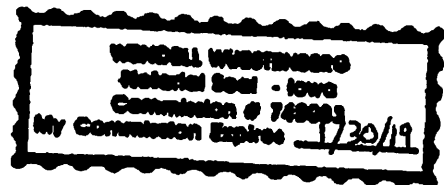
Printed Name: Kathy Tague

Title: Credit Asst.

All waivers must be for the total amount paid.

State of Iowa

County of Clinton



On this 17 day of March, 2017, before me, a Notary Public in and for said State, personally appeared the above named person, known to me to be the identical person named in and who executed the foregoing instrument, and acknowledge that they executed the same as their voluntary act and deed.

Wendell Wuestenberg NOTARY PUBLIC, STATE OF Iowa