

DATE May 18, 2009

APPROVAL OF CONTRACT AND BOND
AND PERMISSION TO SUBLET ON
FLEUR DRIVE/BLUE STREET RESURFACING - BEARDSLEY STREET TO S.W. 9TH STREET
\$ 493,620.63

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$493,620.63, executed by 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 dated May 18, 2009, for the construction of the following improvement:

Fleur Drive/Blue Street Resurfacing - Beardsley Street to S.W. 9th Street, 06-2009-009
ESL-1945(754)--7S-91

The improvement includes resurfacing an existing roadway with hot mix asphalt, and other incidental items; in accordance with the contract documents, including Plan File Nos. 495-110/114, on Fleur Drive (85th Avenue) from Beardsley Street south to Blue Street, and Blue Street from Fleur Drive (85th Avenue) east to S.W. 9th Street (Highway R63)

the same to be performed in accordance with the plans and specifications which have been heretofore approved by this Council, be and the same are hereby approved. The attached "Contractor's Anticipated DBE/TSB Utilization" shows the Contractor's efforts to solicit DBE/TSB Participation in accordance with the Disadvantaged Business Enterprise/Targeted Small Business (DBE/TSB) Program.

BE IT FURTHER RESOLVED: That the Mayor be and is hereby authorized and directed to execute said contract on behalf of the City of Des Moines, and the City Clerk, be and is hereby authorized and directed to attest to same. No contract shall be deemed to exist between the City of Des Moines and said Bidder until said contract has been executed by the Bidder, and shall have been approved by this Council and executed by the Mayor and attested to by the City Clerk.

BE IT FURTHER RESOLVED: That after said contract has been executed by the Mayor, the City Clerk be and is hereby authorized and directed to return the Contractor's bid security.

BE IT FURTHER RESOLVED: That the attached Permission to Sublet form, from said Contractor requesting permission to sublet designated items, be and is hereby approved; and each subcontractor is hereby granted permission to work on said improvement.

★ **Roll Call Number**

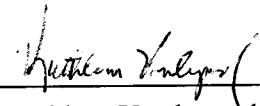
Agenda Item Number


74A

-DATE May 18, 2009

BE IT FURTHER RESOLVED: That the Des Moines Finance Director is hereby authorized to encumber this contract amount against the funds as identified below, and to acquire Builder's Risk Insurance, if appropriate, for the above referenced improvement.

Moved by _____ to adopt.

FORM APPROVED 
 Kathleen Vanderpool
 Deputy City Attorney

Funding Source: 2009-2010 CIP, Page Street-32, Rehabilitation and Preservation of Major Roadways, STR222, Being:  \$493,620.63 (\$650,000 maximum) in Federal Stimulus Funds under the American Recovery and Reinvestment Act of 2009 for construction costs only, with any construction overage and project administration costs from G.O. Bonds

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



74A

CONTRACTOR'S ANTICIPATED DBE/TSB UTILIZATION
Fleur Drive/Blue Street Resurfacing - Beardsley Street to S.W. 9th Street

Activity ID 06-2009-009

On April 21, 2009, 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 submitted a proposal for construction of the Fleur Drive/Blue Street Resurfacing - Beardsley Street to S.W. 9th Street, Activity ID 06-2009-009, which the City Council has determined to be the lowest responsible, responsive bid for said project in the amount of \$493,620.63. The proposal included a statement that the Disadvantaged Business Enterprise/Targeted Small Business (DBE/TSB) Program shall apply to this project.

The Engineering Department has prepared this report summarizing the information that OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving, has submitted indicating that it anticipates utilizing the following DBE/TSB companies on this project:

<u>DBE/TSB Name</u>	<u>Description of Work</u>	<u>Estimated Amount</u>
Bonnies Barricades	Traffic Control	\$3,795.00
	Estimated DBE/TSB Participation	\$3,795.00
OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving	Amount	\$493,620.63
	Percentage of DBE/TSB Participation	0.77%

SUBCONTRACT REQUEST AND APPROVAL

74A

Contractor: OMG D/B/A DES MOINES ASPHALT & PAVING County: WARREN
Contractor Identification Number: O.050 Contract ID No.: 91-1945-754
(Number used on employers qrtly Federal Tax Return U.S. Treasury Dept. Form 941)
Letting Date: 04-21-09 Bid Order: 903

Number of subcontractors:

2

Total Contract Amount:

\$493,620.63

Total Subcontractor Amount Entered:

7931.980000

Total Subcontractor % of Contract Entered:

1.606898

Iowa Department of Transportation

SUBCONTRACT REQUEST AND APPROVAL

Contractor: OMG D/B/A DES MOINES ASPHALT & PAVING County: WARREN
 Contractor Identification Number: O.050 Contract ID No.: 91-1945-754
 (Number used on employers qrtly Federal Tax Return U.S. Treasury Dept. Form 941)
 Letting Date: 04-21-09 Bid Order: 903

This is to request that the following subcontractor be approved to perform the work for the items listed below. It is clearly understood by both the prime contractor and the subcontractor that all terms of the prime contract shall apply. It is also clearly understood that the subcontractor is not a third-party beneficiary of the contract between the prime contractor and the DOT. When this subcontractor is being used to satisfy an established DBE goal, the actual amount to be paid to the DBE is indicated in Column "A". The approval of the DOT is limited to the question of whether the subcontractor is a DBE and shall in no sense be construed as an endorsement of the DBE or an expression of opinion by the DOT on the subcontractor's ability to comply with the contract.

Subcontractor: BONNIE'S BARRICADES, INC. Subcontractor Number: BO260
 (Federal Tax Return U.S. Treasury Dept. Form 941)
 Address: 1547 MICHIGAN ST. Division of Labor Registration: Y
 DES MOINES, IA 50314-0000 Telephone No.: 515/282-88

- The following conditions apply if this is a Federal Aid Contract:
1. The prime contractor is responsible for compliance by the subcontractor with Required Contract Provisions for Federal Aid Contracts, Form FHWA-1273, dated as per contract, relative to projects financed under the Federal Highway Act relative to wages and payrolls, and all terms of the prime contract applicable to the work performed by the subcontractors. A copy of FHWA-1273 shall be attached to the subcontract.
 2. The prime contractor is responsible for checking and submitting subcontractor's payrolls at the same time the prime contractor's payrolls are submitted when payment of predetermined wages is required.
 3. I do hereby certify that in requesting approval to sublet a portion of this project we have taken affirmative action to seek out and consider disadvantaged business enterprises as potential subcontractors and/or material suppliers.

Line No.	Item Description	Quantity	Unit Price	"A"	\$ Amount	Partial Item
0090	SAFETY CLOSURE	4.000	\$165.00000	\$0.00000	\$660.00	N
0110	TRAFFIC CONTROL	1.000	\$3,135.000	\$0.00000	\$3,135.00	N

Contractor: OMG D/B/A DES MOINES ASPHALT & PAVING County: WARREN
 Contractor Identification Number: O.050 Contract ID No.: 91-1945-754
 (Number used on employers qrtly Federal Tax Return U.S. Treasury Dept. Form 941)
 Letting Date: 04-21-09 Bid Order: 903

74A

This is to request that the following subcontractor be approved to perform the work for the items listed below. It is clearly understood by both the prime contractor and the subcontractor that all terms of the prime contract shall apply. It is also clearly understood that the subcontractor is not a third-party beneficiary of the contract between the prime contractor and the DOT. When this subcontractor is being used to satisfy an established DBE goal, the actual amount to be paid to the DBE is indicated in Column "A". The approval of the DOT is limited to the question of whether the subcontractor is a DBE and shall in no sense be construed as an endorsement of the DBE or an expression of opinion by the DOT on the subcontractor's ability to comply with the contract.

Subcontractor: DPLM, INC. Subcontractor Number: D.126
 (Federal Tax Return U.S. Treasury Dept. Form 941)
 Address: 6450 N.E. 14TH STRE Division of Labor Registration: Y
 P.O. BOX 3031
 DES MOINES, IA 50316 Telephone No.: 515/289-1370

- The following conditions apply if this is a Federal Aid Contract:
1. The prime contractor is responsible for compliance by the subcontractor with Required Contract Provisions for Federal Aid Contracts, Form FHWA-1273, dated as per contract, relative to projects financed under the Federal Highway Act relative to wages and payrolls, and all terms of the prime contract applicable to the work performed by the subcontractors. A copy of FHWA-1273 shall be attached to the subcontract.
 2. The prime contractor is responsible for checking and submitting subcontractor's payrolls at the same time the prime contractor's payrolls are submitted when payment of predetermined wages is required.
 3. I do hereby certify that in requesting approval to sublet a portion of this project we have taken affirmative action to seek out and consider disadvantaged business enterprises as potential subcontractors and/or material suppliers.

Line No.	Item Description	Quantity	Unit Price	"A"	\$ Amount	Partial Item
0100	PAINTED PAV'T MARK,	262.000	\$15.79000	\$0.00000	\$4,136.98	N
Signature (Prime Contractor) Totals:				\$0.00 (a)	\$4,136.98	
Contract Amount (b)						Pct. Sublet (a/b)*100
\$493,620.63						0.83808

Article 1108.01 of the Standard Specifications requires the contractor to submit "Subcontract Request and Approval" to the Contracting Authority with the signed contract. Any additional subcontractor requests or changes after the contract has been signed should be submitted to the Project Engineer with the justification as required by the Iowa Code.