



DATE October 9, 2006

APPROVAL OF CONTRACT AND BOND  
AND PERMISSION TO SUBLET ON  
LOCAL FLOOD PROTECTION LEVEE CLOSURES  
\$ 71,269.55

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$71,269.55, executed by L-M Venture Corporation, Inc., Leroy McGarity, President, 7 Ellefson Drive, Desoto, IA, 50069 dated October 9, 2006, for the construction of the following improvement:

Local Flood Protection Levee Closures, 04-2005-002

The improvement includes construction of four permanent levee closures where openings in the levee exist and are no longer needed due to abandonment of railroad tracks or public streets. The work includes approximately 1000 cubic yards of excavation, 1200 cubic yards of impervious fill, surface restoration and other related items, all in accordance with the contract documents including Plan File No. 465-014/021. The four sites of the closures are located near the confluence of the Raccoon River and the Des Moines River.

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 Utilization" shows the Contractor's efforts to solicit DBE Participation in accordance with the Disadvantaged Business Enterprise 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.

BE IT FURTHER RESOLVED: That the City Clerk be and is hereby authorized and directed to return the Contractor's bid security.

BE IT FURTHER RESOLVED: That the attached communication from said Contractor requesting permission to sublet designated items and the attached Permission to Sublet form, be and are hereby approved subject to each subcontractor's compliance with the City of Des Moines Contract Compliance Program. The City Manager is hereby directed to sign said Permission to Sublet form granting permission for said listed subcontractor to work on said improvement upon each subcontractor's compliance with the City of Des Moines Contract Compliance Program as monitored by the Engineering Department.



**Roll Call Number**

**Agenda Item Number**

68A

DATE October 9, 2006

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 Emily Gould Chafa  
Emily Gould Chafa  
Assistant City Attorney

Funding Source: 2006-2007 CIP, Page Storm-11, Flood Protection System Improvements, FLD008, Storm Water Utility Funds

*EB*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
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

68A

Department of Engineering  
City of Des Moines, Iowa



**CONTRACTOR'S ANTICIPATED DBE UTILIZATION**

**Local Flood Protection Levee Closures**

**Activity ID 04-2005-002**

On September 26, 2006, L-M Venture Corporation, Inc., Leroy McGarity, President, 7 Ellefson Drive, Desoto, IA 50069 submitted a proposal for construction of the Local Flood Protection Levee Closures, Activity ID 04-2005-002, which the City Council has determined to be the lowest responsible, responsive bid for said project in the amount of \$71,269.55. The proposal included a statement that the Disadvantaged Business Enterprise (DBE) Program shall apply to this project.

The Engineering Department has prepared this report summarizing the information that L-M Venture Corporation, Inc., has submitted indicating that it anticipates utilizing the following DBE companies on this project:

<u>DBE Name</u>	<u>Description of Work</u>	<u>Estimated Amount</u>
Pinnell Brown Construction Inc.		\$35,000.00
	Estimated DBE Participation	\$35,000.00
	L-M Venture Corporation, Inc. Amount	\$71,269.55
	Percentage of DBE Participation	49.11%