

DATE December 3, 2018

APPROVAL OF CONTRACT AND BOND  
AND PERMISSION TO SUBLET ON  
SHEET PILE RETAINING WALL REPAIR ON TRESTLE TO TRESTLE TRAIL EAST OF BEAVER AVENUE  
\$ 552,476.00

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$552,476.00, executed by Herberger Construction Company, Inc., Dean Herberger, President, 2508 West 2nd Avenue, P.O. Box 326, Indianola, IA, 50125 dated December 3, 2018, for the construction of the following improvement:

Sheet Pile Retaining Wall Repair on Trestle to Trestle Trail East of Beaver Avenue 04-2019-006

The improvement includes the repair of the Trestle to Trestle Trail, including Hot Mix Asphalt (HMA), subdrains, sheet piling, Class E revetment, and 18-inch storm sewer pipe; all in accordance with the contract documents, including Plan File Nos. 574-111/113, located along the Des Moines River east of Lower Beaver Road, Des Moines, Iowa

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, subject to receipt of the contract and bond approved as to form by the Legal Department, and certificate of insurance acceptable to the Engineering Department. 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, subject to receipt of the contract and bond approved as to form by the Legal Department, and certificate of insurance acceptable to the Engineering and Department, 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 in accordance with the Instructions to Bidders.

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, subject to receipt of the contract and bond approved as to form by the Legal Department, and certificate of insurance acceptable to the Engineering Department; and each subcontractor is hereby granted permission to work on said improvement.

★ **Roll Call Number**

**Agenda Item Number**

44A

DATE December 3, 2018

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.

(City Council Communication Number 18-641 attached)

Moved by \_\_\_\_\_ to adopt.

FORM APPROVED \_\_\_\_\_

Kathleen Vanderpool  
Deputy City Attorney

**SLN** Funding Source: 2018-2019 CIP, Page Parks – 8, Multi-Use Trails, PK045, G. O. Bonds

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
<b>TOTAL</b>				

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

44A

Department of Engineering  
City of Des Moines, Iowa



**CONTRACTOR'S ANTICIPATED DBE/TSB UTILIZATION**

**Sheet Pile Retaining Wall Repair on Trestle to Trestle Trail East of Beaver Avenue**

**Activity ID 04-2019-006**

On November 20, 2018, Herberger Construction Company, Inc., Dean Herberger, President, 2508 West 2nd Avenue, P.O. Box 326, Indianola, IA 50125 submitted a proposal for construction of the Sheet Pile Retaining Wall Repair on Trestle to Trestle Trail East of Beaver Avenue, Activity ID 04-2019-006, which the City Council has determined to be the lowest responsible, responsive bid for said project in the amount of \$552,476.00. 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 Herberger Construction Company, Inc., 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>
None	N/A	\$0.00
	Estimated DBE/TSB Participation	\$0.00
	Herberger Construction Company, Inc. Amount	\$552,476.00
	Percentage of DBE/TSB Participation	0.00%

ENGINEERING DEPARTMENT  
CITY OF DES MOINES, IOWA

Activity ID 04-2019-006  
Date 11/26/2018

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44A

### PERMISSION TO SUBLET

**Project** Sheet Pile Retaining Wall Repair on Trestle to Trestle Trail East of Beaver Avenue  
**Contractor** Herberger Construction Company, Inc.  
**Federal Tax ID** 42-1161562      **Contract No.** 15230      **Sublet Request No.** 1

ITEM TO BE SUBLET	ORGANIZATION TO PERFORM WORK	DBE Y/N	COST OF SPECIALTY ITEMS	TOTAL COST OF WORK SUBLET
Traffic Control	Quality Traffic Control 1704 E. Euclid Avenue Des Moines, IA 50313 (515) 289-1824 Federal Tax ID 81-0558645	No		\$4,000.00
Pre-Drilling	Longfellow Drilling, Inc. 1209 CO. Hwy J23 Clearfield, IA 50840 (641) 336-2297 Federal Tax ID 42-0989009	No		\$62,500.00
Erosion Control	Soil-Tek PO Box 738 Grimes, IA 50111 (515) 986-3527 Federal Tax ID 20-0521477	No		\$3,700.00
HMA	Grimes Asphalt and Paving Corporation 5550 NE 22nd Street Des Moines, IA 50313 (515) 266-5173 Federal Tax ID 27-1831755	No		\$20,629.00

ENGINEERING DEPARTMENT  
CITY OF DES MOINES  
(See in file)



44A

**Brady, Timothy B.**

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**From:** Dennis Herberger <dennis@herbergerconstruction.com>  
**Sent:** Monday, November 26, 2018 9:36 AM  
**To:** Brady, Timothy B.  
**Subject:** RE: Subs 04-2019-006  
**Attachments:** 20181126095135802.pdf

I have added the amounts they quoted.

Thanks  
Dennis

**From:** Brady, Timothy B. <TBBBrady@dmgov.org>  
**Sent:** Monday, November 26, 2018 9:24 AM  
**To:** Dennis Herberger <dennis@herbergerconstruction.com>  
**Subject:** RE: Subs 04-2019-006

Please send me the amounts of their contracts with you.

Thanks

Timothy B. Brady, P.E.  
Civil Engineer II  
515-283-4025  
Cell: 515-208-4025  
Email: [tbbbrady@dmgov.org](mailto:tbbbrady@dmgov.org)

**From:** Dennis Herberger [<mailto:dennis@herbergerconstruction.com>]  
**Sent:** Monday, November 26, 2018 9:22 AM  
**To:** Brady, Timothy B. <[TBBBrady@dmgov.org](mailto:TBBBrady@dmgov.org)>  
**Subject:** RE: Subs 04-2019-006

Please see attached list of our subcontractors. Please let me know if you need anything else.

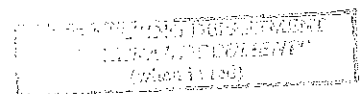
Thanks  
Dennis

**From:** Brady, Timothy B. <[TBBBrady@dmgov.org](mailto:TBBBrady@dmgov.org)>  
**Sent:** Wednesday, November 21, 2018 9:29 AM  
**To:** [dennis@herbergerconstruction.com](mailto:dennis@herbergerconstruction.com)  
**Subject:** Subs 04-2019-006

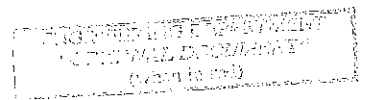
Dennis,

You are the apparent low bidder for the Sheet Piling project at trestle to trestle trail. Please send me a list of subs , dollar amount and what they will be doing.

Thanks



Timothy B. Brady, P.E.  
Civil Engineer II  
515-283-4025  
Cell: 515-208-4025  
Email: [tbrady@dmgov.org](mailto:tbrady@dmgov.org)



44A



# Herberger Construction Company, Inc.

P.O. BOX 326 • INDIANOLA, IOWA 50125  
PHONE (515) 961-5564 • FAX (515) 962-1496

November 26, 2018

City of Des Moines  
400 Robert D Ray Drive  
Des Moines, Iowa 50309

Ref: Sheet Pile Retaining Wall Trestle to Trestle  
Subject: Subcontractors

Tim,

The following will be our subcontractors on the above referenced project. Please let me know if you need anything else.

Prebore Backfill Sheet piling	Longfellow Drilling 4770 North Belleview Ave, Ste 300 Kansas City, MO 64116	\$ 62,500.00
HMA Standard Traffic Surface Course Full Depth Patch 6" HMA	Grimes Asphalt and Paving Corporation P.O. Box 3374 Des Moines, Iowa 50316	\$ 20,629.00
Mulch, Seed, fertilize, Silt Fence	Soil-Tek P.O. Box 738 Grimes, Iowa 50111	\$ 3,700.00
Safety Closure, and Traffic Control	Quality Traffic Control, Inc. 1704 E. Euclid Ave. Des Moines, Iowa 50313	\$ 4,000.00

Sincerely,

Dennis Herberger  
Herberger Construction Co Inc.

RECEIVED  
NOV 29 2018  
(when in use)