



**Date** October 23, 2023

**APPROVAL OF CONTRACT AND BOND ON  
1851 HARTFORD AVENUE GRADING AND RESTORATION  
\$183,491.50**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$183,491.50, executed by Wenthold Excavating LLC, Cory Wenthold, President, 4008 NE 126th Avenue, Elkhart, IA, 50073 dated October 23, 2023, for the construction of the following improvement:

1851 Hartford Avenue Grading and Restoration, Activity ID 042023018

The improvement includes Class 10 and Class 13 Excavation, erosion control, seeding, tree planting, and other incidental items, all in accordance with the contract documents, including Plan File No. 655-248/265 located at 1851 Hartford Avenue, 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 Departments. 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 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 City Engineer is hereby authorized to approve requests to sublet work from the Contractor, 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.

BE IT FURTHER RESOLVED: That the Director of Finance 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.



**Roll Call Number**

**Agenda Item Number**

77A

**Date** October 23, 2023

(Council Communication No. 23-460 attached)

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

FORM APPROVED:

FUNDS AVAILABLE:

s/Kathleen Vanderpool

s/Nickolas J. Schaul

Kathleen Vanderpool  
Deputy City Attorney

Nickolas J. Schaul  
Director of Finance

**SLN**  
*pw*

Funding Source: 2023-24 Operating Budget, Page 56, EN141, Being: \$164,906.5 from FY 2023-24 Operating Budget, Page 56, Real Estate Services, EG061074 and the remaining \$18,585 in G.O. bonds transferred from FY 2023-24 CIP, Page 123, Roadway Reconstruction - Fleur Drive, ST267

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**CERTIFICATE**

I, Laura Baumgartner, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, 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

MMA

Department of Engineering  
City of Des Moines, Iowa



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

**1851 Hartford Avenue Grading and Restoration**

**Activity ID 042023018**

On October 3, 2023, Wenthold Excavating LLC, Cory Wenthold, President, 4008 NE 126th Avenue, Elkhart, IA 50073 submitted a proposal for construction of the 1851 Hartford Avenue Grading and Restoration, Activity ID 042023018, which the City Council has determined to be the lowest responsible, responsive bid for said project in the amount of \$183,491.50. 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 Wenthold Excavating LLC, 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
	Wenthold Excavating LLC Amount	\$183,491.50
	Percentage of DBE/TSB Participation	0.00%