

★ Roll Call Number

13-1255

Agenda Item Number

9

DATE August 12, 2013

APPROVING DESIGNATION OF LOWEST RESPONSIBLE, RESPONSIVE BIDDER,  
AND CONTRACT AND BOND ON THE 2013 DESIGNATED NEIGHBORHOOD-SIDEWALK  
REPLACEMENT PROGRAM

WHEREAS, on June 24, 2013, under Roll Call No. 13-0969, plans, specifications, form of contract documents, and Engineer's estimate of construction cost were filed with the City Clerk, for the construction of the following improvement:

2013 Designated Neighborhood Sidewalk Replacement Program, 09-2013-002

The improvement includes reconstruction of Class A and Class B Portland cement concrete sidewalks four (4) inches thick, (six (6) inches thick at driveways), together with all appurtenances; in accordance with the contract documents at various locations in the Martin Luther King Jr. Park Neighborhood and the Historic East Village Neighborhood, in the City of Des Moines, Iowa. Sidewalks will be replaced at locations inspected by the Engineering Department. In the vicinity where sidewalks will be replaced, curb ramps compliant with the requirements of the Americans with Disabilities Act of 1990 and the regulations associated with this law as it applies to pedestrian facilities will also be constructed

WHEREAS, notice of the hearing on the plans, specifications, form of contract documents, and Engineer's estimate of construction cost was published as required by law.

WHEREAS, on July 29, 2013, under Roll Call No. 13-1234, the hearing on the plans, specifications, form of contract documents, and Engineer's estimate of construction cost for said improvement was held and closed; and that said plans, specifications, form of contract documents, and Engineer's estimate of construction cost were approved as the plans, specifications, form of contract documents, and Engineer's estimate of construction cost for said improvement.

WHEREAS, sealed bids for said improvement were submitted by the following bidders:

T K Concrete Inc.	Pella, IA
MPS Engineers, P.C.	Des Moines, IA

which were received and opened at a public meeting presided over by the Engineer in the City Council Chambers, 2nd Floor, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa at 11:00 a.m. on July 16, 2013.

WHEREAS, said bids and tabulation of bids for said improvement were received and filed, and the City Council is to consider awarding the contract and approving the bond for said improvement at its August 12, 2013 Council Meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the Des Moines City Engineer, as the Engineer, has determined that the lowest responsive, responsible bid for the construction of said improvement was submitted by T K Concrete Inc., Tony J. Ver Meer, President, 1608 Fifield Road, Pella, IA, 50219 in the amount of \$438,680.00, and said bid be and the same is hereby accepted.

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BE IT FURTHER RESOLVED: That the bid security of the unsuccessful bidders be and is hereby authorized and directed to be returned.

BE IT FURTHER RESOLVED: That the Engineer is hereby directed to secure execution by the lowest responsible, responsive Bidder and its surety of the contract documents in the form heretofore approved by this Council; that the Engineer is directed to thereafter present said contract documents to this Council for approval and authorization to the Mayor to sign; and that 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 the City Council hereby authorizes the necessary road closures for the Project.

BE IT FURTHER RESOLVED: That the contract and bond, in the amount of \$438,680.00, executed by T K Concrete Inc., Tony J. Ver Meer, President, 1608 Fifield Road, Pella, IA, 50219 dated August 12, 2013, for the construction of said improvement; 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, bond, and certificate of insurance acceptable to the Engineering and Legal 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, bond, and certificate of insurance acceptable to the Engineering and Legal Departments, 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 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.

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Moved by Mahaffey to adopt.

FORM APPROVED:

FUNDS AVAILABLE

Kathleen Vanderpool by AD  
 Kathleen Vanderpool  
 Deputy City Attorney

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 Scott E. Sanders  
 Des Moines Finance Director

DFB Funding Source: 2013-2014 CIP, Page Street - 23, Neighborhood Infrastructure Rehabilitation Program, ST205, G. O. Bonds

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE		✓		
TOTAL	6	1		

MOTION CARRIED APPROVED  
T. M. Franklin  
 Mayor

**CERTIFICATE**

I, DIANE RAUH, 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.

Diane Rauh  
 City Clerk