

★ **Roll Call Number**

13-1364

Agenda Item Number

50

DATE August 26, 2013

PUBLIC HEARING, APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT
DOCUMENTS, AND ENGINEER'S ESTIMATE ON
2013 ADA SIDEWALK RAMP PROGRAM - CONTRACT 1;
RECEIVE AND FILE BIDS; AND DESIGNATION OF LOWEST RESPONSIVE, RESPONSIBLE
BIDDER AS T K CONCRETE INC., TONY J. VER MEER, PRESIDENT, \$434,750.00

WHEREAS, on July 29, 2013, under Roll Call No. 13-1182, 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 ADA Sidewalk Ramp Program - Contract 1, 09-2013-003

The improvement includes construction of sidewalk ramps with Portland cement concrete sidewalk four (4) inches, six (6) inches or eight (8) inches thick, together with all necessary appurtenances; in accordance with the contract documents, at various locations determined by the "Americans with Disabilities Act, City of Des Moines, Iowa, Transition Plan" throughout the City of Des Moines, Iowa

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; and

WHEREAS, on August 13, 2013 sealed bids for said improvement were received and opened at a public meeting presided over by the Engineer in the City Council, and the bids received from one of the two bidders was not read because the Disadvantaged Business Enterprise/Target Small Business Pre-Bid Information table on Proposal Attachment: Part F – Additional Requirements; Item 2A – Contract Compliance Program appeared to not have been completed sufficiently. Said Item 2A states "The Bidder is required to fully complete the Pre-Bid Information table by providing all Pre-Bid Information showing Disadvantaged Business Enterprises and/or Targeted Small Business contacts (and results) made prior to the bid submission. This information is subject to verification and confirmation. If the Bidder will self-perform all work on the project and no subcontractors will be utilized to complete the project, the Bidder shall indicate in the below Pre-Bid Information table that "no subcontractors will be utilized on the project". Failure to make and disclose pre-bid contacts in the table, as well failure to specifically state whether quotes were received (and applicable date) and whether a received quote was used in the bid in the table, or in the alternative, failure to indicate that "no subcontractors will be utilized on the project" if the Contractor is self-performing all work and no subcontractors will be utilized to complete the project, shall cause the bid to be non-responsive and shall result in the bid not being read; and

WHEREAS, after the letting, Engineering and Legal Department Staff met to discuss the problem with the bid submitted on this project to discuss the bidders' apparent intent when completing the Pre-Bid Information table. During the discussion it was determined that this bidders information was sufficient by indicating no quotes were received, and that the remainder of the table did not need to be completed since no quotes were received by the bidder; and

WHEREAS, as a result, the City Engineer reconvened the letting for the above reference project on August 15, 2013 at 2:00 P.M. in the City Council Chamber, at which time City Staff reconsidered the bid that was opened on August 13, but not read because of the bidder's failure to complete the Pre-Bid Information table as stated above. Staff read the bid and will present it to the City Council for consideration with the recommendation the bid be accepted; and

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WHEREAS, on August 13, 2013 sealed bids for said improvement were received and opened at a public meeting presided over by the Engineer in the City Council, and the bid received from T K Concrete Inc., Tony J. Ver Meer, President, 1608 Fifield Road, Pella, IA, 50219 was not read because the Disadvantaged Business Enterprise/Target Small Business Pre-Bid Information table on Proposal Attachment: Part F – Additional Requirements; Item 2A – Contract Compliance Program appeared to not have been completed sufficiently. As stated above, Engineering Staff recommends that the bid be accepted since the Engineering and Legal Department Staff determined that this bidders' information was sufficient by indicating no quotes were received, and that the remainder of the table did not need to be completed since no quotes were received by the bidder.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the hearing on the plans, specifications, form of contract documents, and Engineer's estimate of construction cost for said improvement be closed; and that said plans, specifications, form of contract documents, and Engineer's estimate of construction cost are hereby approved as the plans, specifications, form of contract documents, and Engineer's estimate of construction cost for said improvement.

BE IT FURTHER RESOLVED: That 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 August 13, 2013. Said bids and the attached tabulation of bids for said improvement be and are hereby received and filed.

BE IT FURTHER RESOLVED: 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 \$434,750.00, and said bid be and the same is hereby accepted.

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

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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.

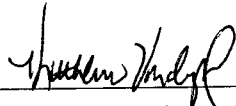
BE IT FURTHER RESOLVED: That the City Council hereby authorizes the necessary road closures for the Project.

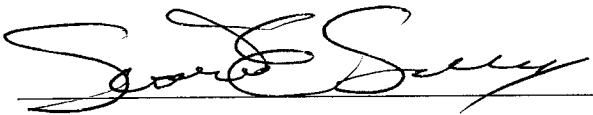
(City Council Communication Number 13430 attached.)

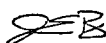
Moved by Hensley to adopt.

FORM APPROVED:

FUNDS AVAILABLE


Kathleen Vanderpool
Deputy City Attorney


Scott E. Sanders
Des Moines Finance Director

 Funding Source: 2013-2014 CIP, Page Street - 31, Sidewalks - ADA Compliance, SW095, G. O. Bonds

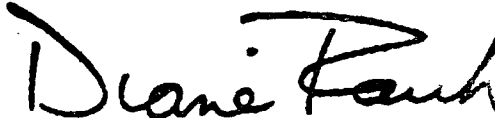
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE		✓		
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE		✓		
TOTAL	5	2		

MOTION CARRIED APPROVED

T. M. Franklin
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.


Diane Rauh

City Clerk