



**Roll Call Number**

21-0053

**Agenda Item Number**

40A

DATE January 11, 2021

APPROVAL OF CONTRACT AND BOND  
AND PERMISSION TO SUBLET ON  
S.W. 5TH STREET RAILROAD CROSSING IMPROVEMENTS  
\$99,630.00

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$99,630.00, executed by Minturn, Inc., Clinton M. Rhoads, President, 144 W. Front Street, Brooklyn, IA, 52211 dated January 11, 2021, for the construction of the following improvement:

S.W. 5th Street Railroad Crossing Improvements, 042020021

The improvement includes pavement removal, Hot Mix Asphalt (HMA) street approaches, Portland Cement Concrete (PCC) sidewalks, pavement markings, sanitary sewer repair, sanitary sewer manhole removal and replacement, and other incidental items; in accordance with the contract documents, including Plan File Nos. 619-151/159, along the Iowa Interstate Railroad near S.W. 5th Street, in the City of 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 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.



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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.

(City Council Communication Number 21-019 attached)

Moved by Mandelbaum to adopt.

FORM APPROVED s/ Kathleen Vanderpool

Kathleen Vanderpool  
Deputy City Attorney

**SLN** Funding Source: 2020-2021 CIP, Page Streets – 32, Railroad Crossing Surface Repairs and Signal Improvements, ST139, G. O. Bonds, Being: \$86,130 G.O. Bonds, and the remaining \$13,500 in Sanitary Sewer Funds

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

J. M. Franklin Cownie  
Mayor

I, P. Kay Cmelik, 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.

P. Kay Cmelik  
City Clerk