



**Roll Call Number**

22-0471

**Agenda Item Number**

12

DATE March 21, 2022

PUBLIC HEARING, APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT DOCUMENTS, AND ENGINEER'S ESTIMATE ON ANIMAL CONTROL FACILITY BID PACKAGE NO. 2 – GRADING, UTILITIES AND PUBLIC IMPROVEMENTS (STREETS); RECEIVE AND FILE BIDS; AND DESIGNATION OF LOWEST RESPONSIVE, RESPONSIBLE BIDDER AS MPS ENGINEERS, P.C. DBA KINGSTON SERVICES, P.C., UMESH G. SHETYE, PRESIDENT, \$1,194,500.00

WHEREAS, on February 7, 2022, under Roll Call No. 22-0135, 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:

Animal Control Facility Bid Package No. 2 – Grading, Utilities and Public Improvements (Streets), 102022003

The improvement includes new construction of an approximately 21,900 square feet animal care and control facility which includes animal intake and service areas, adoption service areas, animal housing, veterinary clinic with surgery, and drive-thru sally port; design consists of brick masonry base, metal panel and cedar siding, glazed aluminum storefront and windows; wall structure consists of perimeter bearing stud walls and internal steel columns and bearing concrete masonry walls; floor structure is concrete slab-on-grade; roof structure is metal roof joists and decking; roofing system is a single-ply fully adhered membrane on low slope roof areas; Portland Cement Concrete (PCC) parking lots, PCC sidewalks, sanitary sewer, sanitary sewer manholes, water main, fiber and conduit, chain link fenced outdoor dog runs, surface restoration, and other incidental items; all in accordance with the contract documents associated with Bid Package No. 2 – Grading, Utilities and Public Improvements (Streets), including Plan File No. 633-001/218, located at 1441 Harriet Street, 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.

WHEREAS, in accordance with said notice, those interested in said proposed plans, specifications, form of contract documents, and Engineer's estimate of construction cost both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

WHEREAS, on March 8, 2022, four sealed bids for said improvement were received and opened at a public meeting presided over by the Engineer in the City Offices, and the lowest bid read was received from Midmark Corporation d/b/a Shor-Line, Jon Wells, President, 511 Osage Avenue, Kansas City, KS 66105, in the amount of \$939,051.00, with the next lowest bid read being received from MPS Engineers, P.C. dba Kingston Services, P.C., Amit A. Pradhan, Vice President, 1444 Illinois Street, Des Moines, IA, 50314, in the amount of \$1,194,500.00; and

WHEREAS, on March 15, 2022, the City's Engineering Department received a letter from Midmark Corporation d/b/a Shor-Line, requesting that its bid be withdrawn and bid security returned on the basis that Shor-Line manufactures animal containment and animal related equipment, and does not do grading, utilities and public improvements (streets). Shore-Line made a serious error by incorrectly submitting a bid on Animal Control Facility Bid Package No. 2 – Grading, Utilities and Public Improvements (Streets), when they believed they had completed and submitted a bid for Bid Package No. 12 - Kennels and Cat Cages; and



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WHEREAS, the bid documents included the General Supplemental Specifications to the SUDAS Standard Specification, 2021 Edition, where Section 1020, 1.15 LIMITATION ON WITHDRAWAL OF PROPOSALS AFTER OPENING OF PROPOSALS, C provides in part: After bids are opened, if the low bidder claims that it has made a serious error in the preparation of its bid, and can support such a claim with evidence satisfactory to the Jurisdiction, said bidder shall be allowed to withdraw its bid and its bid security shall be returned... and;

WHEREAS, Midmark Corporation d/b/a Shor-Line's request to withdraw their bid has been reviewed by Engineering Department staff and the City Engineer; and

WHEREAS, the City Engineer recommends that Midmark Corporation d/b/a Shor-Line be allowed to withdraw its bid and its bid security be returned; and further recommends that MPS Engineers, P.C. dba Kingston Services, P.C., Amit A. Pradhan, Vice President, 1444 Illinois Street, Des Moines, IA 50314, be designated as the lowest responsible, responsive bidder with a bid of \$1,194,500.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the upon due consideration of the facts, and any and all statements of interested persons, any objections to the plans, specifications, form of contract documents, and Engineer's estimate of construction cost for said improvement are overruled and the hearing is closed and that said plans, specifications, form of contract documents, and Engineer's estimate of construction cost are hereby approved.

BE IT FURTHER RESOLVED: That sealed bids for said improvement were submitted by the following bidders:

- Midmark Corporation d/b/a Shor-Line, Kansas City, KS - Bid withdrawn by Bidder
- MPS Engineers, P.C. dba Kingston Services, P.C., Des Moines, IA - Apparant Low Bid
- Elder Corporation, Des Moines, IA
- Vanderpool Construction, Inc., Indianola, 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 March 8, 2022. Said bids and the attached tabulation of bids for said improvement be and are hereby received and filed.

BE IT FURTHER RESOLVED: That the City Council concurs with the City Engineer's recommendation regarding the withdrawal of bid submitted by Midmark Corporation d/b/a Shor-Line, Jon Wells, President, 511 Osage Avenue, Kansas City, KS, 66105.

BE IT FURTHER RESOLVED: That Midmark Corporation d/b/a Shor-Line be allowed to withdraw its bid and its bid security shall be returned.





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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 MPS Engineers, P.C. dba Kingston Services, P.C., Umesh G. Shetye, President, 1444 Illinois Street, Des Moines, IA, 50314 in the amount of \$1,194,500.00, 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 in accordance with the Instructions to Bidders.

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 closure of all public grounds, streets, sidewalks, alleys, bridges, culverts, overpasses, underpasses, grade crossing separations and approaches, public ways, squares, and commons for the Project.

(City Council Communication Number 22-131 attached)

Moved by Boesen to adopt. Second by Westergaard

FORM APPROVED:

FUNDS AVAILABLE

s/Kathleen Vanderpool

s/Nickolas J. Schaul

Kathleen Vanderpool  
Deputy City Attorney

Nickolas J. Schaul  
Director of Finance

SLN

Funding Source: 2021-2022 CIP, Page 54, Animal Control Facility, BL130, Being: General Obligation Bonds, Private Grant, Road Use Tax

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

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.

MOTION CARRIED APPROVED

J. M. Franklin Cownie

Mayor

P. Kay Cmelik

City Clerk