



Roll Call Number

23-0069

Agenda Item Number

49

Date January 09, 2023

PUBLIC HEARING, APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT DOCUMENTS, AND ENGINEER'S ESTIMATE ON STONE PARK COMMUNITY GARDEN; RECEIVE AND FILE BIDS; AND DESIGNATION OF LOWEST RESPONSIVE, RESPONSIBLE BIDDER AS BURKETT CONSTRUCTION, LLC, ANDREW BURKETT OWNER , \$518,897.98

WHEREAS, on November 21, 2022, under Roll Call No. 22-1775, 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:

Stone Park Community Garden, 042022019

The improvement includes relocation of the existing community garden at Allen Park to Stone Park. The project includes fine grading, fence, new water service, irrigation system and hydrants, Portland Cement Concrete (PCC) sidewalks, installing and filling raised planter beds, aggregate walking surface around the planter beds, and other incidental items; all in accordance with the contract documents, including Plan File No. 649-297/316, located at Stone Park, 2100 S.E. 5th 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, the low bid submitted by Burkett Construction, L.L.C. was read under advisement because the Bidder Status Form was completed and submitted with the Proposal but was not signed. The City Engineer and Legal Department have reviewed the information provided by the bidder and reviewed the information available on the Iowa Secretary of State's website which identifies the bidder as a limited liability company incorporated in Iowa; and reviewed the information available on the Iowa Workforce Development webpage, which indicates the bidder does not have an out of state bond which is required if a bidder were an out of state contractor. The City Council may determine that failure to sign the completed Bidder Status Form is a minor irregularity.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That 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 the City Council waives as a minor irregularity the failure of the bidder to sign the completed Bidder Status form and hereby receives the bid submitted by Burkett Construction, LLC.



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

Burkett Construction, LLC, De Soto, IA - Low Bid (read under advisement)
Jasper Construction Services, Inc., Newton, IA
MPS Engineers, P.C. dba Kingston Services, P.C., Des Moines, IA
TK Concrete, Inc., Pella, IA
GTG Construction, L.L.C., Johnston, IA
Lansink Construction, Inc., Johnston, IA
Synergy Contracting, LLC, Altoona, 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 December 13, 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 Des Moines City Engineer, as the Engineer, has determined that the lowest responsive, responsible bid for the construction of said improvement was submitted by Burkett Construction, LLC, Andrew Burkett, Owner, 25 Ellefson Drive, De Soto, IA, 50069 in the amount of \$518,897.98, 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.



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(Council Communication No. 23-019 attached)

Moved by Gatto to adopt. Second by Boesen

FORM APPROVED:

FUNDS AVAILABLE

s/Kathleen Vanderpool

Kathleen Vanderpool
Deputy City Attorney

s/Nickolas J. Schaul

Nickolas J. Schaul
Director of Finance

Funding Source: 2022-23 CIP, Page 71, Park Improvements, PK137, Being: \$300,000 American Rescue Plan Act (ARPA) Funding; \$84,448.99 General Obligation bonds issued; and the remaining \$134,448.99 to be transferred from Storm Water Utility Funds SM087

SLN pw

Table with 5 columns: COUNCIL ACTION, Yeas, Nays, Pass, Absent. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL.

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.

MOTION CARRIED APPROVED
J. M. Franklin Cousie Mayor

Laura Baumgartner City Clerk