



Roll Call Number

23-0266

Agenda Item Number

53A

Date February 20, 2023

**APPROVAL OF CONTRACT AND BOND
AND PERMISSION TO SUBLET ON
E. 4TH STREET RECONSTRUCTION FROM EAST ML KING JR PARKWAY TO E.
MARKET STREET
\$4,969,142.50**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$4,969,142.50, executed by Absolute Concrete Construction, Inc. d/b/a Absolute Group, Sonny Hall, President, 505 1st Avenue, Slater, IA, 50244 dated February 20, 2023, for the construction of the following improvement:

E. 4th Street Reconstruction from East ML King Jr Parkway to E. Market Street, 062022018

The improvement includes construction of Portland Cement Concrete (PCC) pavement, Hot-Mix Asphalt (HMA) paving, permeable pavers, PCC sidewalks, modified subbase, subdrain, storm sewer, intakes, biocells, pavement markings, electrical conduit, water main relocations, site furnishings, plantings, and miscellaneous associated work and incidental items; all in accordance with the contract documents, including Plan File No. 650-185/290, located on East 4th Street from East Martin Luther King Jr Parkway to East Market Street, 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 23.082 attached)

Moved by Mandelbaum to adopt. Second by Voss

FORM APPROVED:

FUNDS AVAILABLE

s/Kathleen Vanderpool

s/Nickolas J. Schaul

Kathleen Vanderpool
Deputy City Attorney

Nickolas J. Schaul
Director of Finance

Funding Source: 2022-23 CIP, Page 137, Market District Infrastructure Improvements, ST282, Being: \$4,935,142.50 in TIF Bonds issued and the remaining \$34,000 from Des Moines Water Work

SLN
pw

COUNCIL ACTION	Yeas	Nays	Pass	Absent
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

J. M. Frank Mayor

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.

Laura Baumgartner

City Clerk