



Roll Call Number
23-1796

Agenda Item Number
56A

Date December 18, 2023

**APPROVAL OF CONTRACT AND BOND ON
BURKE PARK SPRAYGROUND
\$574,965.79**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$574,965.79, executed by Brothers Cleaning Corporation d/b/a Brothers Concrete, Josecito Valero, President, 4000 Colfax Avenue, Des Moines, IA, 50317 dated December 18, 2023, for the construction of the following improvement:

Burke Park Sprayground, Activity ID 112023005

The improvement includes the construction of a new water sprayground, limestone block wall, sport court rehabilitation, Portland Cement Concrete (PCC) sidewalks, site furnishings and associated work including the installation of a water service line, water spray features, concrete paving, beam curb, drainage piping, earthwork, and restoration, all in accordance with contract documents, including Plan File No. 657-137/164, located in Burke Park, 601 E. University Avenue, 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 City Engineer is hereby authorized to approve requests to sublet work from the Contractor, 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.

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.



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(Council Communication No. 23-563 attached)

Moved by Westergaard 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: 2023-24 CIP, Page 71, Sprayground Improvements, PK034, Being: General Fund transfer made possible with American Rescue Plan Act Funds (ARPA)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, MANDELBAUM, 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.

Signature of J.M. Franklin Cownie, Mayor

Signature of Laura Baumgartner, City Clerk