

## Meeting Agendas/Info

CITY COUNCIL  
COMMUNICATION:

ITEM \_\_\_\_\_

**OFFICE OF THE CITY MANAGER  
CITY OF DES MOINES, IOWA**

01-129

**SYNOPSIS -**

**AGENDA:**

**MARCH 26, 2001**

**SUBJECT:**

BID PROTEST

**TYPE:**

**RESOLUTION  
ORDINANCE  
RECEIVE/FILE**

**SUBMITTED BY:**

FLOYD BENTZ, P.E.  
CITY ENGINEER

John T. Jones Construction Co. (John B. Jones, President, 2213 7th Avenue North, Fargo, North Dakota 58102) has filed a bid protest with the City of Des Moines regarding the Martin Luther King, Jr. Parkway Stormwater Pump Station at SW 14th Street, Activity ID 08-1999-003, Project No. RM-1945(505) - 9D-77. The City Engineer has reviewed the protest and has responded to John T. Jones Construction Co. that its protest is without merit and is denied, and that Cramer and Associates, Inc. (Robert Cramer, President, 990 NE 44th Avenue, Des Moines, Iowa) should be designated as lowest responsible responsive bidder.

**FISCAL IMPACT -**

This project will be funded from Index Code 383943, Account 543040, Fund CP038, Organization ENG990000, Project/Grant STR039 - ML King Parkway East/West Segment.

**RECOMMENDATION -**

**Denial of John T. Jones Construction Co.'s bid protest; waive minor proposal irregularities; and designate Cramer and Associates, Inc. as lowest responsible responsive bidder.**

**BACKGROUND -**

On March 13, 2001, sealed bids were received and opened. The bid received from Cramer and Associates, Inc., in the amount of \$3,723,208, was read under advisement because Proposal Attachment: Part F: Item 1 - Identity of Subcontractors was not properly completed. Cramer and Associates, Inc. did check the box provided to indicate that it did intent to utilize subcontractors, but did not enter the subcontractor name, description of work, and amount in the space provided to identify subcontractors over

\$25,000.

John T. Jones Construction Co., the second low bidder for the work with a bid of \$4,292,000, has filed a protest with the City, indicating its objection of the award of the contract to anyone but John T. Jones Construction Co.

The City Engineer and legal staff have reviewed said protest, and the City Engineer has responded to John T. Jones Construction Co. indicating their protest is without merit and is denied. (A copy of the City Engineer's response is included in the Roll Call.)

The roll calls have been prepared by the Engineering and Legal Departments to waive the minor irregularity in the proposal submitted by Cramer and Associates, Inc.; deny John T. Jones Construction Co.'s bid protest; and designate Cramer and Associates as the lowest responsible, responsive bidder.

As additional information, the contract documents include a special provision that the pumps for this project shall be purchased by the contractor from Electric Pump and Tool Services, Inc. (Dick Miller, President, 4280 NE 14th Street, Des Moines, Iowa, 50313) in accordance with the five-year pump equipment and services standardization agreement approved by the City Council on December 18, 2000, under Roll Call No. 00-4659 and Council Communication No. 00-591.