



Council Communication

Office of the City Manager

Date

October 9, 2006

Agenda Item No. 68
Roll Call No. 06-
Communication No. 06-648
Submitted by: Jeb E. Brewer, P.E.
City Engineer

AGENDA HEADING:

Hearing on Local Flood Protection Levee Closures: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as L-M Venture Corporation, Inc., Leroy McGarity, President, \$71,269.55.

SYNOPSIS:

This is a public hearing to allow for public input on the Local Flood Protection Levee Closures and take the necessary actions as required by Iowa Code to authorize a contract for construction of the proposed project. This project provides for the construction of four full-height levee closures where openings in the levee existed and are no longer needed due to abandonment of railroad lines or City streets. This will improve the reliability of the City's flood control system and reduce the number of temporary levee closures that must be installed during flood events.

FISCAL IMPACT:

Amount: \$71,269.55 Construction Contract (Construction Estimate - \$114,100)

Funding Source: 2006-2007 CIP, Page Storm-11, Flood Protection System Improvements, FLD008, Storm Water Utility Funds

ADDITIONAL INFORMATION:

On September 11, 2006, under Roll Call No. 06-1736, the City Council received and filed plans, specifications, form of contract documents, and City Engineer's estimate for the construction of the Local Flood Protection Levee Closures. Before the City Council can enter into a contract, it must hold a public hearing and approve the proposed plans, specifications, and form of contract documents and engineer's estimate for construction of the Local Flood Protection Levee Closures, 04-2005-002. The improvement includes construction of four permanent levee closures where openings in the levee exist and are no longer needed due to abandonment of railroad tracks or public streets. The work includes approximately 1000 cubic yards of excavation, 1200 cubic yards of impervious fill, surface restoration and other related items, all in accordance with the contract documents including Plan File No. 465-014/021. The four sites of the closures are located near the confluence of the Raccoon River and the Des Moines River.

Sealed bids for said improvement were submitted by the following bidders:
L-M Venture Corporation, Inc., Desoto, IA, Bid read under advisement – see bid tabulation.
Sheets Excavating, Ltd., Montezuma, IA
Reilly Construction Co., Inc. & Affiliates, Ossian, IA

CAC Incorporated, Urbandale, IA

The bids were received and opened at a public meeting presided over by the City Engineer in the City Council Chambers, 2nd Floor, City Hall, 400 Robert D Ray Drive, Des Moines, Iowa at 11:00 a.m. on September 26, 2006, and the bid received from L-M Venture Corporation, Inc., (Leroy McGarity, President), 7 Ellefson Drive, Desoto, Iowa, 50069, was read under advisement because Proposal Attachment: Part G – Identity of Bidder was not properly completed in that Maricel P. Burley, the Notary that notarized the proposal submitted by L-M Venture Corporation, Inc., entered on the proposal that the notary commission expires on May 9, 2006, which would mean that the commission had expired and the notarization of the proposal would not be valid.

Engineering Department staff has investigated the status of Maricel P. Burley's notary commission on the Secretary of State's Office website, and determined that May 9, 2006 is the date Maricel P. Burley's notary commission was renewed and will not expire until May 9, 2009; therefore, Maricel P. Burley is a commissioned notary and the notarization on L-M Venture Corporation, Inc's. proposal is valid; and after further review, the Legal Department has determined that this was a minor irregularity that could be waived by the City Council.

The City Engineer has determined that the lowest responsible, responsive bid for the construction of said improvement was submitted by L-M Venture Corporation, Inc., Leroy McGarity, President, 7 Ellefson Drive, Desoto, IA, 50069 in the amount of \$71,269.55. The Finance Director has determined that funds are available as stated above.

PREVIOUS COUNCIL ACTION(S):

Date: September 11, 2006

Roll Call Number: 06-1736

Action: Order Construction of the following: [Local](#) Flood Protection Levee Closures – Receiving of bids, (9-26-06), and Setting date of hearing, (10-9-06). (Construction Estimate - \$114,100). ([Council Communication No. 06-575](#)) Moved by Vlassis to adopt. Motion Carried 6-0.

Date: September 27, 2004

Roll Call Number: 04-1993

Action: Authorization to proceed with federal levee improvements consisting of four (4) closures in the levee system along the Des Moines and Raccoon Rivers in the downtown area. ([Council Communication No. 04-467](#)) Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Partial payments to the contractor and final acceptance of work.