



# Council Communication

Office of the City Manager

Date

March 26, 2007

Agenda Item No. 51  
Roll Call No. 07-  
Communication No. 07-163  
Submitted by: Jeb E. Brewer, P.E.  
City Engineer

## AGENDA HEADING:

Hearing on Sayers Park Restroom Renovation: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Azcon Inc., Lawrence M. Wolinski, President, \$89,000.

## SYNOPSIS:

This is a public hearing to allow for public input on the Sayers Park Restroom Renovation and take the necessary actions as required by Iowa Code to authorize a contract for construction of the proposed project. The proposed improvement includes renovations to the existing restroom facilities at Sayers Park to conform to Americans with Disabilities Act including new doors and plumbing fixtures. Sayers Park is located south of the intersection of SW 13<sup>th</sup> Street and Watrous Avenue. Sayers Park is a 3-acre park serving the Greater South Side Neighborhood with amenities including a basketball court, a softball backstop, a tennis court, a playground, a wading pool, and restrooms with an attached open-air shelter.

## FISCAL IMPACT:

Amount: \$89,000 Construction Contract (\$90,500 City Engineer's Estimate includes Add Alternates)

Funding Source: 2006-2007 CIP, Page Park-13, Park Building Improvements, PKS143, G. O. Bonds

## ADDITIONAL INFORMATION:

On February 26, 2007, under Roll Call No. 07-318, the City Council received and filed plans, specifications, form of contract documents, and City Engineer's estimate for the construction of the Sayers Park Restroom Renovation. 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 the construction of the Sayers Park Restroom Renovation, 11-2006-024. The improvement includes renovations to the existing restroom facilities to conform to Americans with Disabilities Act, including demolition of floor slabs, toilet partitions, and plumbing fixtures; widening of door openings; installation of doors and frames, plumbing fixtures, toilet partitions, interior and exterior lighting; and interior and exterior painting; all in accordance with the contract documents including Plan File Nos. 472-037/043 at Sayers Park, SW 13th Street and Watrous Avenue, Des Moines, Iowa.

Sealed bids for said improvement were submitted by the following bidders:

- SKH Corporation, Urbandale, IA, Bid withdrawn by Bidder
- Azcon Inc., Grimes, IA, Bid read under advisement
- Johnson Concrete & Petroleum Const. Inc., Des Moines, IA

- Bergstrom Construction, Inc., Des Moines, IA
- Koester Construction Co., Inc., Grimes, IA, Bid not read

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 March 13, 2007, and the bid received from SKH Corporation, Susan K. Holcomb, President, 3633 70th Street, Suite C, Urbandale, Iowa, 50322, was read under advisement because Proposal Attachment: Part C-Bid Items, Quantities, and Prices was not properly completed because SKH Corporation submitted a bid of \$71,996 for the Total Base Bid, did not include a bid for Alternate No. 1 or 2, and \$3,884.00 for Total Base Bid plus any Add-Alternates.

The Engineering Department has tabulated the bids in accordance with the Section 1020 1.07 D of the Urban Standard Specifications which states:

In the case of discrepancy, the unit price shall govern; except in the case of an obvious, serious, clerical error where the City Engineer is able to determine the bidder's intent from the proposal; in which case, the Des Moines City Council may waive irregularities that are in best interest of the City of Des Moines, as long as the integrity of the bid process can be maintained.

The Engineering Department tabulation of the bid submitted by SKH Corporation shows the Total Base Bid plus any Add-Alternates should be \$75,880, not the \$3,884 as submitted, and the \$3,884 is the sum of Alternates 1 and 2 which SKH Corporation has stated that the individual bids for Alternate 1 should be \$190 and Alternate 2 should be 3,694; and after further review, the Legal Department has determined that this was a minority irregularity that could be waived by the City Council.

However, during review and evaluation of the bid submitted by SKH Corporation, Engineering Department Staff discovered that SKH Corporation intended to sublet 100% of the contract work which is noncompliance with Section 1030 1.10 A.1 of the Urban Standard Specifications for Public Improvement which requires the contractor to perform not less than 50% of the contract work with its own forces. After discussion with Susan K. Holcomb, President of SKH Corporation, SKH Corporation submitted the attached letter requesting to withdraw its bid and further requesting that the City of Des Moines return the bid security submitted by SKH Corporation. SKH Corporation is a Targeted Small Business, and the loss of its bid security would be devastating to the company.

The City Engineer recommends that SKH Corporation be allowed to withdraw its bid and its bid security be returned; and further recommends that the City Council consider the bid submitted by Azcon Inc., Lawrence M. Wolinski, President, 11185 NW 52nd Avenue, Grimes, IA, 50111, which was also read under advisement because Proposal Attachment: Part C-Bid Items, Quantities, and Prices was not properly completed because Azcon Inc., submitted a bid of \$79,900 for the Total Base Bid, \$2,800 for Alternate No. 1, \$6,300 for Alternate No. 2 and \$9,100 for Total Base Bid plus any Add-Alternates.

The Engineering Department has tabulated the bids in accordance with said Section 1020 1.07 D of the Urban Standard Specifications, and the Total Base Bid plus any Add-Alternates bid submitted by Azcon Inc., should be \$89,000, not the \$9,100 as submitted; and after further review, the Legal Department has determined that this was a minority irregularity that could be waived by the City Council. The Chief Civil Engineer recommends acceptance of the Total Base Bid plus Add Alternate Nos. 1 and 2 in the total amount of \$89,000. The City Engineer has determined that the lowest responsive, responsible bid for the construction of said improvement was submitted by Azcon Inc., Lawrence M. Wolinski, President, 11185 NW 52nd Avenue, Grimes, IA, 50111 in the amount of \$89,000, and said bid should be accepted. The Finance Director has determined that funds are available for said improvement as stated above.

**PREVIOUS COUNCIL ACTION(S):**

Date: February 26, 2007

Roll Call Number: 07-318

Action: Ordering construction of the following: [Sayers](#) Park Restroom Renovation – Receiving of bids, (3-13-07), and Setting date of hearing, (3-26-07). (Construction Estimate - \$85,000). ([Council Communication No. 07-107](#)) Moved by Hensley to adopt. Motion Carried 6-1.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Partial payments to the contractor and final acceptance of work.