



Council Communication

Office of the City Manager

Date

August 6, 2007

Agenda Item No. 56
Roll Call No. 07-
Communication No. 07-486
Submitted by: Jeb E. Brewer, P.E.
City Engineer

AGENDA HEADING:

Hearing on Woodland Cemetery Ornamental Fence: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as American Fence Co. of Iowa, Inc., Mark A. Wolodkewitsch, Manager, 1922 Delaware Ave., Des Moines, IA, \$60,577.67.

SYNOPSIS:

This is a public hearing to allow for public input on the Woodland Cemetery Ornamental Fence 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 an ornamental fence along the east side of Woodland Cemetery from the end of the existing ornamental fence near Center Street north to the north end of the cemetery near Olive Street. The ornamental fence includes fourteen masonry piers and 775 feet of ornamental black painted steel fence between the masonry piers.

FISCAL IMPACT:

Amount: \$60,577.67 Construction Contract (\$163,500 City Engineer's Estimate)

Funding Source: 2007-2008 CIP, Page Park-6, Cemetery Infrastructure and Improvements, PKS138, G.O. Bonds.

ADDITIONAL INFORMATION:

The Martin Luther King Jr. Parkway (MLK) from Ingersoll Avenue to Center Street project included a much enhanced fence treatment along the east side of Woodland Cemetery where MLK abutted the cemetery from Woodland Avenue to the north approximately 1320 feet. This enhanced fence was constructed of painted-steel ornamental fence and brick bollards. The remaining original cemetery fence, which was not replaced as part of the MLK project, is 6 foot galvanized chain link fence in poor repair. The fence is broken in places and has many volunteer trees and shrubs growing through the chain link. In addition, staff has also received complaints as to the appearance of the fence. It is visually apparent that a new fence must be built and staff recommends it be of the same materials. The proposed project includes 775 feet of ornamental fence to complete the fence to Olive Street. Installation of the new fence will require the removal of five existing trees. Parks staff has consulted with the Forestry Department and determined that a couple of the trees are meshed with the existing chain link fence and need to be removed, and the remaining trees have damage and are unlikely to survive much longer. The City's Parks and Forestry crews will do this tree removal.

On July 9, 2007, under Roll Call No. 07-1248, the City Council received and filed plans, specifications, form of contract documents, and City Engineer's estimate for the construction of the Woodland Cemetery Ornamental Fence. Before the City Council can enter into a contract, a public hearing needs to be held to approve the proposed plans, specifications, and form of contract documents and engineer's estimate for the construction of the Woodland Cemetery Ornamental Fence, 11-2007-018. The improvement includes the construction of 14 masonry piers and the installation of 775 feet of ornamental painted steel fence along the east side of the Woodland Cemetery adjacent to the west right-of-way line of MLK from approximately the north right-of-way line of Center Street to the south right-of-way line of Olive Street. This contract also includes the reinstallation of 40.0 feet of an existing 6 foot high vinyl clad chain link fence, the installation of a 20.0 foot wide service gate constructed of 2-10 foot wide chain link fence gate panels, the removal of 775 feet of existing chain link fence, the addition of a construction sign, and the purchase and delivery of extra fence panels and mounting hardware; all in accordance with the contract documents including Plan File Nos. 479-136/138 along the east property line of Woodland Cemetery in Des Moines, Iowa.

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

American Fence Co. of Iowa, Inc., Des Moines, IA, Bid read under advisement
Brocon Services LLC, Johnston, IA
Concrete Technologies, Inc., Urbandale, IA
Smith Seeding, Inc., Eldridge, 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 July 24, 2007, and the bid received from American Fence Co. of Iowa, Inc. was read under advisement because American Fence Co. of Iowa, Inc. did not submit Page 3 of the Proposal Attachment with its bid. Said Page 3 of the Proposal Attachment includes part of the Contract Compliance Program Requirements (which did not apply to this project) and General Additional Requirements; however, the bidder is not required to provide any information on any of this missing page. Engineering Department Staff contacted Mr. Wolodkewitsch to verify that American Fence Co. of Iowa, Inc. would comply with these requirements. Mr. Wolodkewitsch stated that American Fence Co. of Iowa, Inc. would comply with the requirements, and that they inadvertently left the page out when they assembled their proposal. Even though American Fence Co. of Iowa, Inc. did not return all the proposal sheets, American Fence Co. of Iowa, Inc. did complete and return all the proposal sheets requiring information to be supplied by the bidder. The Engineering Department will include said missing pages in the contract documents to be signed by American Fence Co. of Iowa, Inc. After further review, the Engineering and Legal Departments have determined that this was a minority irregularity that could be waived by the City Council.

The City Engineer has determined that the lowest responsive, responsible bid for the construction of said improvement was submitted by American Fence Co. of Iowa, Inc. in the amount of \$60,577.67, 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: July 9, 2007

Roll Call Number: 07-1248

Action: Ordering construction of Woodland Cemetery Ornamental Fence – Receiving of bids, (7-24-07), and Setting date of hearing, (8-6-07). (Construction Estimate - \$163,500). (Council Communication No. 07-413) 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.