



Council Communication

Office of the City Manager

Date

October 8, 2007

Agenda Item No. 55
Roll Call No. 07-
Communication No. 07-617
Submitted by: Jeb E. Brewer, P.E.
City Engineer

AGENDA HEADING:

Hearing on M. L. King Jr. Park Shelter & Congregate Meal Site: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Rochon Corporation of Iowa, Inc., Ron Rochon, President, \$920,750.

SYNOPSIS:

This is a public hearing to allow for public input on the M. L. King Jr. Park Shelter & Congregate Meal Site and take the necessary actions as required by Iowa Code to authorize a contract for construction of the proposed project. The improvement includes construction of an approximately 4,200 square foot, wood-framed building for use by the Parks and Recreation Department as an enclosed shelter for community use and as a Congregate Meal Site administered by Polk County. A 28E Agreement with Polk County states that 50% of the project costs with a maximum of \$550,000 shall be paid by Polk County, with the remaining costs paid by the City of Des Moines. Polk County is making an additional in-kind project donation of furniture, fixtures and equipment with a value of approximately \$25,000. The City is making an additional in-kind donation by constructing the two on-site rain gardens with in-house staff. The rain gardens have an estimated value of \$25,000.

FISCAL IMPACT:

Amount: \$920,750 - Construction Contract, which includes \$870,550 for Base Bid plus \$21,300 for Alternate 1 and \$28,900 for Alternate 2. (\$962,819 City Engineer's Estimate for Base Bid only)

Funding Source: 2007-2008 CIP, Page Park-19, Park Redevelopment, PKS100, Being: 50% of the project costs with a maximum of \$550,000 from Polk County per 28E Agreement approved July 23, 2007, under Roll Call Number 07-1467, with the remaining costs in Des Moines G. O. Bonds from PKS100. Said 28E Agreement continues in effect through June 30, 2057, and also states that Polk County shall pay 50% of the annual operating expenses including utilities, custodial care, general repairs, and major structural repair and improvements.

ADDITIONAL INFORMATION:

The Master Plan for M. L. King Jr. Park (adopted December 1999) included an open-air shelter adjacent to the new wading pool, and an attached enclosed all-season shelter. The wading pool has been constructed. The M. L. King Jr. Park Neighborhood Association was able to collect over \$45,000 in donations over a period of three years, which will be used toward kitchen equipment for the enclosed shelter. On July 24, 2006, the City Council rejected bids for a proposed improvement that included the enclosed shelter with kitchen facilities and the attached open-air features. During the bid process, representatives from Polk County approached Parks & Recreation Department Staff regarding use of the proposed M. L. King Jr. Park Shelter as a Polk County meal site. City Staff met with representatives of

Polk County to determine what modifications to the proposed shelter design (kitchen size and configuration as well as the overall shelter size and design) would be necessary for it to be utilized as a Polk County meal site. On July 23, 2007, under Roll Call 07-1467, the City Council approved a 28E Agreement with Polk County for the construction, management, and maintenance of the M.L. King Jr. Shelter.

On August 20, 2007, under Roll Call No. 07-1579, the City Council received and filed plans, specifications, form of contract documents, and City Engineer's estimate for the construction of the M. L. King Jr. Park Shelter & Congregate Meal Site. 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 M. L. King Jr. Park Shelter & Congregate Meal Site, 11-2006-028. The improvement includes construction of an approximately 4,200 square foot, wood-framed building for use by the Parks and Recreation Department as an enclosed shelter for community use and as a Congregate Meal Site administered by Polk County. Work includes concrete footings, slabs, wood-framed construction, plumbing, electrical, HVAC, restrooms, and kitchen, all in accordance with the contract documents including Plan File Nos. 474-034/056, at the M. L. King Jr. Park, East 17th Street and Garfield Avenue, Des Moines, Iowa. This project is seeking a certified rating level from the Leadership in Energy and Environmental Design Rating System for New Construction.

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

- Rochon Corporation of Iowa, Inc., Urbandale, IA, Bid read under advisement
- Schroeder Companies, Inc., Urbandale, IA, Bid read under advisement

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 27, 2007, and the bid received from Rochon Corporation of Iowa, Inc., Ron Rochon, President, 3401 106th Circle, Urbandale, IA, 50322, was read under advisement because Proposal Attachment: Part F - Additional Requirements, Item 1 - Identity of Subcontractors was not properly completed in that Rochon Corporation of Iowa, Inc. checked the box to indicate that it intends to utilize subcontractors over \$25,000; however, it did not list the subcontractors in the space provided, but instead stated "TBD". Staff contacted Rochon Corporation of Iowa, Inc. after the bid opening on September 27, 2007, to request a list of proposed subcontractors. Matt Stence, Vice President of Rochon Corporation of Iowa, Inc., faxed a letter at 2:27 p.m. on September 27, 2007, the same day bids were received, with a listing of seven proposed subcontractors over \$25,000 that should have been listed on its Proposal Attachment: Part F - Additional Requirements, Item 1 - Identity of Subcontractors. After further review, the Legal Department has determined that this was a minor irregularity that could be waived by the City Council.

The proposal as issued contained a base bid and alternates. Parks Department Staff recommend acceptance of \$870,550 for the Base Bid plus \$21,300 for Alternate 1 and \$28,900 for Alternate 2. Alternate 1 included the additional cost to construct an open-air shelter at the east end on the building and Alternate 2 included the additional cost for construction of a geothermal heating and cooling system. Parks Department Staff have reviewed the bid results with Polk County Staff, who concur in the above recommendation, as the required under the 28E Agreement. After consideration of the recommended alternates, the City Engineer has determined that the lowest responsive, responsible bid for the construction of said improvement was submitted by Rochon Corporation of Iowa, Inc., Ron Rochon, President, 3401 106th Circle, Urbandale, IA, 50322 in the amount of \$920,750, 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: August 20, 2007

Roll Call Number: 07-1579

Action: [Ordering](#) construction of M.L. King Jr. Park Shelter & Congregate Meal Site – Receiving of bids, (9-25-07), and Setting date of hearing, (10-8-07). (Construction Estimate - \$962,819). ([Council Communication No. 07-521](#)) Moved by Vlassis to adopt. Motion Carried 7-0.

Date: July 23, 2007

Roll Call Number: [07-1467](#)

Action: Intergovernmental 28E Agreement with Polk County for construction, management and maintenance of Martin Luther King, Jr. Park Shelter. ([Council Communication No. 07-451](#)) Moved by Mahaffey to approve. Motion Carried 7-0.

Date: July 24, 2006

Roll Call Number: [06-1514](#)

Action: [Resolution](#) to Close Hearing and REJECT all bids on the M. L. King Jr. Park Shelter, (five bids received-over estimate). ([Council Communication No. 06-473](#)) Moved by Vlassis to adopt. Motion Carried 7-0.

Date: June 19, 2006

Roll Call Number: [06-1175](#)

Action: M. L. King, Jr. Park Shelter – Receiving of bids, (7-11-06), and Setting date of hearing, (7-24-06). (Construction Estimate - \$350,000). ([Council Communication No. 06-368](#)) Moved by Vlassis 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.