



Council Communication

Office of the City Manager

Date

April 6, 2009

Agenda Item No. 8
Roll Call No. 09-
Communication No. 09-203
Submitted by: Jeb E. Brewer, P.E.
City Engineer

AGENDA HEADING:

Approving contract and bond for construction of an improvement the estimated cost of which is less than the Iowa Code competitive bid threshold, Police Station Generator Exhaust Stack, Wolin & Associates, Inc., David R. Stroh, President, 1720 Fuller Road, West Des Moines, IA, 50265, \$26,800.

SYNOPSIS:

Recommend receiving and filing of bids, designating lowest bidder, and approving contract and bond for the Police Station Generator Exhaust Stack. The improvement includes a pipe extension added to the existing generator exhaust to terminate above the roof line of the Police Station. Competitive quotations for construction of the improvement were received by the Engineering Department in accordance with Chapter 26 of the Code of Iowa.

FISCAL IMPACT:

Amount: \$26,800 (Construction Contract)

Funding Source: 2009-2010 CIP, Page Building-18, Police Station Remodeling, BLD062, G. O. Bonds

ADDITIONAL INFORMATION:

Sections 26.3 and 26.12 of the Code of Iowa exempt the governing body from advertisement for sealed bids and holding a public hearing on the proposed plans, specifications, form of contract, and estimated cost of the improvement when the Engineer's estimated cost for the improvement is less than the competitive bid threshold established in Section 314.1B.

On February 12, 2007, under Roll Call Number 07-291, the Des Moines City Council approved bidding and contracting process changes for construction of improvements which included "Part II: New Competitive Quotation Process for Public Improvements" which the City Engineer has utilized for this project. Engineering and Legal Department Staff have utilized this process to determine the lowest responsive, responsible bidder for construction of this improvement. The estimated cost of said improvement is \$50,000, which is less than the competitive bid threshold established in Section 314.1B of the Code of Iowa.

The Engineering Department has prepared plans, specifications, form of contract documents, and Jurisdictional Engineer's estimate for the construction of the following improvement:

Police Station Generator Exhaust Stack, 04-2009-019

The improvement includes a pipe extension added to the existing generator exhaust to terminate above the roof line of the Police Station, 25 E. 1st Street, Des Moines, Iowa

Said plans and specifications were issued to contractors that normally bid on City of Des Moines projects of a similar nature, as part of a solicitation for proposals for said improvement; requesting the contractors to submit proposals to the Des Moines City Engineer on or before 11:00 a.m. on March 23, 2009.

Bids for said improvement were submitted by the following bidders:

- Wolin & Associates, Inc., West Des Moines, IA - Bid read under advisement
- Corn States Sheet Metal Fabricators, Inc., West Des Moines, IA
- Air-Con Mechanical, Corp., Des Moines, IA
- Michaels Construction Inc., Adel, IA

On March 23, 2009, competitive quotations for said improvement were received, and the bid from Wolin & Associates, Inc. was read under advisement because Wolin & Associates, Inc. attached a letter to its proposal which listed exclusions to the bid, which may have had the effect of conditioning its proposal. Engineering Department staff has reviewed the letter and determined that several of the exclusions did condition the bid, and notified Wolin & Associates, Inc. of the finding. David R. Stroh, President of Wolin & Associates, Inc., contacted staff and stated that the letter was erroneously attached as a clarification document and has submitted a March 24, 2009 letter stating that they erroneously attached the clarification document, rescinding the document, and stating that their proposal shall be based on the original bid documents as provided by the City with the valid bid amount of \$26,800. After further review, the Engineering and Legal Departments have determined that said letter and exclusions as submitted can be withdrawn by Wolin & Associates, Inc. and the \$26,800 bid accepted as a minor irregularity that can be waived by the City Council.

The Des Moines City Engineer has determined that the lowest responsible, responsive bid was submitted by Wolin & Associates, Inc. in the amount of \$26,800, and recommends that said bid be accepted.

The Des Moines City Engineer has secured execution of contract documents for said public improvements by the lowest responsive, responsible bidder for presentation to the City Council for approval and authorization for the Mayor to sign.

PREVIOUS COUNCIL ACTION(S):

Date: February 12, 2007

Roll Call Number: 07-291

Action: Summary of Bidding/Contracting Process Changes for construction of public improvements, February 2007. (Council Communication No. 07-062)
) Moved by Kiernan 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.

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