

 <h1 style="text-align: center;">Council Communication</h1> <p style="text-align: center;">Office of the City Manager</p>	Date	May 4, 2009
	Agenda Item No. 59 Roll Call No. 09- Communication No. 09-292 Submitted by: Jeb E. Brewer, P.E. City Engineer	

AGENDA HEADING:

Hearing on Ewing Park Americans with Disabilities Act (ADA) Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids and designating lowest responsible bidder as T K Concrete Inc., Tony J. VerMeer, President, 1608 Fifield Road, Pella, IA, 50219, \$115,888.

SYNOPSIS:

This is a public hearing to allow for public input on the Ewing Park ADA Improvements and take the necessary actions as required by Iowa Code to authorize a contract for construction of the proposed project. A study of City of Des Moines’ facilities was conducted to identify non-compliant physical barriers that did not meet Title II requirements of the ADA. The results of the study were compiled into the ADA Transition Plan, which was approved by the Access Advisory Board and the City Council. This project includes building and exterior site improvements to resolve non-ADA compliant items at Ewing Park.

FISCAL IMPACT:

Amount: \$115,888 Construction Contract (\$140,000 City Engineer's Estimate)

Funding Source: 2009-2010 CIP, Page Building-4, ADA Modifications for Municipal Buildings, BLD042, G. O. Bonds.

ADDITIONAL INFORMATION:

The ADA of 1990 recognizes and protects the civil rights of people with disabilities. It covers a wide range of disabilities, from physical conditions affecting mobility, stamina, sight, hearing and speech to conditions such as emotional illness and learning disorders. The ADA addresses access for three specific areas: 1) the workplace (Title I); 2) state and local government services (Title II); and 3) places of public accommodation and commercial facilities (Title III).

A thorough assessment of almost all City buildings and facilities was conducted in 2003, culminating in a report that included: 1) The identification of each non-compliant accessible element listed in the ADA Accessibility Guidelines (ADAAG); 2) A brief description of each that are of non-compliance; 3) A proposed solution to bring non-compliant elements into compliance; and, 4) A conceptual cost estimate for completing the work required to bring the non-compliant elements into compliance. A Transition Plan Committee was formed and ranked the most urgent non-compliant items found in the assessment to be corrected first. Several construction contracts have been completed to address and correct the most

urgent ADA non-compliant items throughout the City pursuant to the Transition Plan. This project includes building and exterior site improvements to resolve non-ADA compliant items at Ewing Park.

On April 6, 2009, under Roll Call No. 09-514, the City Council received and filed plans, specifications, form of contract documents and the City Engineer's estimate for the construction of the Ewing Park ADA Improvements. 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 Ewing Park ADA Improvements, 10-2009-011. The improvement includes renovating the existing restroom facilities, providing accessible parking and sidewalks to access existing park facilities, including existing covered park shelter, BMX track and Soap Box Derby complexes, in accordance with the contract documents, including Plan File Nos. 495-140/162 at Ewing Park, 5300 Indianola Road, Des Moines, Iowa.

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

T K Concrete Inc., Pella, IA
Dormark Construction Company, Grimes, IA
Edge Commercial, LLC, West Des Moines, IA
Breiholz Construction Co., Des Moines, IA
Bergstrom Construction, Inc., Des Moines, 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 April 21, 2009.

The City Engineer has determined that the lowest responsive, responsible bid for the construction of said improvement was submitted by T K Concrete Inc. in the amount of \$115,888, 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: April 6, 2009

Roll Call Number: 09-514

Action: Ordering construction of Ewing Park ADA Improvements: Receiving of bids, (4-21-09), and Setting date of hearing, (5-4-09). (Construction Estimate - \$140,000). (Council Communication No. 09-200

) 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.

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