



# Council Communication

Office of the City Manager

Date

January 25, 2010

Agenda Item No. 7

Roll Call No. 10-

Communication No. 10-042

Submitted by: **Jeb E. Brewer, P.E.**  
City Engineer

## AGENDA HEADING:

Designation of lowest responsive, responsible bidder as Herberger Construction Co., Inc., Dean Herberger, President, and approval of contract and bond on Court Avenue & Water Street Gatewell and River Outlet, \$390,387.

## SYNOPSIS:

Recommend Council approval of Herberger Construction Co., Inc., Dean Herberger, President, as the lowest responsive, responsible bidder on the Court Avenue & Water Street Gatewell and River Outlet, and take the necessary actions as required by Iowa Code to authorize a contract for construction of the proposed project subject to release of funds by the Iowa Department of Economic Development on Contract No. 08-DRI-232. This project is the first phase of the Court Avenue & Water Street Sewer Separation project, which will construct a separate storm sewer system and storm water pump station to serve this area. This area of downtown is currently served by a combined (storm and sanitary) sewer system, resulting in localized flooding during heavy rain events, especially during high river levels. The Court Avenue & Water Street Gatewell and River Outlet will construct the required gatewell at the levee and the outlet to the river. Future projects will construct the pump station and the storm sewer system to convey storm water to the new outlet to the river.

## FISCAL IMPACT:

Amount: \$390,387 Construction Contract (\$537,790 City Engineer's Estimate)

Funding Source: 2009-2010 CIP, Page Storm-6, Court Avenue/Water Street Sewer Separation, STE081, Being: \$390,387 in HUD Disaster funds from the Iowa Department of Economic Development for 100% of construction costs associated with the Court Avenue - Water Street Sewer Separation project with a \$4,000,000 maximum in Federal Jumpstart Infrastructure Assistance funds.

## ADDITIONAL INFORMATION:

On November 4, 2009, the Iowa Department of Economic Development (IDED) notified the City of Des Moines that IDED has awarded the City the following Community Development Block Grants:

- Contract Number 08-DRI-032 in the amount not to exceed \$4,000,000 for the Court Avenue - Water Street Sewer Separation Project.
- Contract Number 08-DRI-033 in the amount not to exceed \$5,000,000 for the Lower Union Sewer Separation Project.

- Contract Number 08-DRI-034 in the amount not to exceed \$1,200,000 for the 33rd Street Sewer Separation Project.
- Contract Number 08-DRI-035 in the amount not to exceed \$5,000,000 for the Jackson Basin Pump Station Project.

Before IDED will send these Contracts for execution by the City, IDED has required the City to execute and return, IDED's Notice of Award letter for each contract, whereby the City accepts the award described, acknowledges that receipt of the Award is contingent upon satisfaction of all conditions of the Community Development Block Grant (CDBG) program and execution of the Contract, and agrees to be bound by the program and Contract requirements.

On November 16, 2009, under Roll Call Number 09-2071, the City Council approved and authorized the Mayor to execute these CDBG disaster recovery infrastructure Notice of Award and Grant Contracts with IDED. The IDED Contracts have been executed by the City, and the City can enter into contract for the construction work as soon as IDED releases of funds on Contract No. 08-DRI-232, which is expected on January 22, 2010. The construction work included in this project is included under IDED Contract Number 08-DRI-232 for the Court Avenue - Water Street Sewer Separation Project.

On November 23, 2009, under Roll Call No. 09-2083, the City Council received and filed plans, specifications, form of contract documents, and City Engineer's estimate for the construction of the Court Avenue & Water Street Gatewell and River Outlet. On December 21, 2009, under Roll Call No. 09-2320, the City Council held a public hearing and approved the proposed plans, specifications, and form of contract documents and engineer's estimate for the construction of the Court Avenue & Water Street Gatewell and River Outlet, 08-2010-006. The improvement includes construction of a storm water pump station gatewell and outlet structure, 72" diameter storm sewer, and sheet pile construction, and miscellaneous associated work including cleanup and other incidental items; in accordance with the contract documents, including Plans File Nos. 509-008/014, south of Court Avenue and east of Water Street along the west Des Moines River Levee in downtown Des Moines, Iowa.

Sealed bids for said improvement were received and filed by the City Council under said Roll Call No. 09-2320 as submitted by the following bidders:

Herberger Construction Co., Inc., Indianola, IA  
Cramer and Associates, Inc., Grimes, IA  
Jensen Construction Co., Des Moines, IA  
H & W Contracting LLC, Sioux Falls, SD  
Van Hauen & Associates, Inc., Grimes, 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 December 15, 2009.

On December 21, 2009, the City Engineer recommended that the City Council defer further action to designate the lowest responsive, responsible bid for the construction of said improvement and award the contract until the IDED Community Development Block Grant Contract Number 08-DRI-232 had been executed by IDED, and the required environmental clearances had been received. IDED Contract Number 08-DRI-232 is now executed by the City and the required environmental clearances and

release of funds by IDED is anticipated on Jan 22, so the City Engineer recommends that the City Council proceed to designate Herberger Construction Co., Inc. as the lowest responsive, responsible bid for the construction of said improvement and award the contract in the amount of \$390,387 subject to release of funds by the Iowa Department of Economic Development on Contract No. 08-DRI-232.

**PREVIOUS COUNCIL ACTION(S):**

Date: December 21, 2009

Roll Call Number: 09-2320

Action: On Court Avenue & Water Street Gatewell and River Outlet: Resolution approving plans, specifications, form of contract documents, engineer's estimate, and receive and file bids. (Council Communication No. 09-880) Moved by Hensley to adopt. Motion Carried 7-0.

Date: November 23, 2009

Roll Call Number: 09-2083

Action: Ordering construction of Court Avenue & Water Street Gatewell and River Outlet: Receiving of bids, (12-15-09), and Setting date of hearing, (12-21-09). (Construction Estimate - \$537,790). (Council Communication No. 09-823) Moved by Coleman to adopt. Motion Carried 7-0.

Date: November 16, 2009

Roll Call Number: 09-2071

Action: Approving and authorizing the execution of CDBG Disaster Recovery Infrastructure Notice of Award and Grant Contracts with the Iowa Department of Economic Development for 4 projects: (Council Communication No. 09-801) Moved by Hensley to adopt. Motion Carried 4-3.

Date: October 27, 2008

Roll Call Number: 08-1874

Action: Approving Professional Services Agreement with Veenstra & Kimm, Inc. for design and construction phase services for the Court Avenue-Water Street Sewer Separation Project, not to exceed \$595,712. (Council Communication No. 08-646) Moved by Hensley to adopt. Motion Carried 7-0.

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

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Designation of the lowest responsive, responsible bid for the construction of said improvement and award the contract. Partial payments to the contractor and final acceptance of work.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).