

 <h1 style="text-align: center;">Council Communication</h1> <p style="text-align: center;">Office of the City Manager</p>	<b>Date</b>	February 22, 2010
	<b>Agenda Item No.</b> <b>56</b> <b>Roll Call No.</b> <b><u>10-</u></b> <b>Communication No.</b> <b><u>10-104</u></b> <b>Submitted by:</b> <b>Jeb E. Brewer, P.E.</b> <span style="padding-left: 100px;"><b>City Engineer</b></span>	

**AGENDA HEADING:**

Hearing on S.W. 30th Street Trail Connection at Carney Park: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Rocky Hurst Construction, Inc., Kaye L. Hurst, President, \$28,435.

**SYNOPSIS:**

This is a public hearing to allow for public input on the S.W. 30th Street Trail Connection at Carney Park 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 five-foot wide trail connection from the entrance of Carney Park north along the top of the exiting levee approximately 1,045 feet to the American Discovery Trail north of Bell Avenue.

**FISCAL IMPACT:**

Amount: \$28,435 Construction Contract (\$40,930 City Engineer's Estimate)

Funding Source: 2009-2010 CIP, Page Parks-22, Recreation Trails, PKS045, G. O. Bonds

**ADDITIONAL INFORMATION:**

On January 25, 2010, under Roll Call No. 10-089, the City Council received and filed plans, specifications, form of contract documents, and City Engineer's estimate for the construction of the S.W. 30th Street Trail Connection at Carney Park. 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 S.W. 30th Street Trail Connection at Carney Park, 11-2009-017. The improvement includes construction of a 5’ wide PCC sidewalk, grading, seeding and other incidental items; in accordance with the contract documents, including Plan File Nos. 515-001/018, and located on the west side of S.W. 30th Street along the top of the existing levee from the entrance to the Kriegh G. Carney Park, north approximately 1045 feet to the existing HMA trail north of Bell Avenue, Des Moines, Iowa.

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

- Rocky Hurst Construction, Inc., Des Moines, IA - Bid read under advisement
- T K Concrete Inc., Pella, IA
- P. G. Construction Inc., Des Moines, IA
- MPS Engineers, P.C., West Des Moines, IA

Howrey Construction, Inc., Rockwell City, IA  
Elder Corporation, Des Moines, IA  
Jasper Construction Services, Inc., Newton, IA  
Absolute Concrete Construction, Inc., Slater, IA  
The Concrete Company, Des Moines, IA - Bid not read

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 February 9, 2010, and the bid received from Rocky Hurst Construction, Inc., Kaye L. Hurst, President, 3412 SW 9th Street, Des Moines, IA, 50315, was read under advisement because Rocky Hurst Construction, Inc. provided DBE/TSB information on Proposal Attachment: Part F, Item 1, Identity of Subcontractors instead of on Proposal Attachment: Part F, Item 2, Contract Compliance Program.

Proposal Attachment: Part F, Item 2, Contract Compliance Program states that failure to make and disclose these pre-bid DBE contacts shall cause the bid to be non-responsive and shall result in the bid not being read.

Rocky Hurst Construction, Inc. did list Seibert Trucking (for trucking @ \$500) and Bonnies Barricades (for traffic control @ \$1,000) as subcontractors in the space provided on Proposal Attachment: Part F, Item 1 to identify its subcontractors; however, Rocky Hurst Construction, Inc. did not complete Proposal Attachment: Part F, Item 2, Contract Compliance Program where the bidder is required to identify the DBE/TSB contacts made by the bidder prior to bidding.

Engineering and Legal Department Staff opening bids considered the following:

- Rocky Hurst Construction, Inc. listed two DBE's on Proposal Attachment: Part F, Item 1, Identity of Subcontractors form, which requires the bidder certify its proposed subcontractors over \$25,000 (Both companies listed, Seibert Trucking and Bonnies Barricades, were less than \$25,000 and were not required to be listed on the form).
- Staff knew that Seibert Trucking and Bonnies Barricades were both certified DBE's,

Staff assumed that Rocky Hurst Construction, Inc. incorrectly entered the DBE information on the wrong form, since it was not required to list subcontractors its company intended to use when the amount was less than \$25,000, and read the bid under advisement. It was apparent to Staff that Rocky Hurst Construction, Inc. had contacted DBEs when two DBEs were listed as subcontractors on Part F, Item 1. If Staff had not known that these two companies were DBE's, the bid from Rocky Hurst Construction, Inc. would not have been read since Rocky Hurst Construction, Inc. did not complete Proposal Attachment: Part F, Item 2, Contract Compliance Program.

Engineering Department Staff has contacted Rocky and Kaye Hurst who have provided an e-mail stating that they had made DBE contacts prior to the bid opening, provided a written quotation from Bonnies Barricades for the project, and stated that they had incorrectly completed the proposal forms; and after further review, the Engineering and Legal Departments have determined that this was a minor 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 Rocky Hurst Construction, Inc., Kaye L. Hurst, President, 3412 SW 9th Street, P.O. Box 36443, Des Moines, IA, 50315 in the amount of \$28,435.00, 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: January 25, 2010

Roll Call Number: 10-089

Action: Ordering construction of the following: SW 30<sup>th</sup> Street Trail Connection at Carney Park – Receiving of bids (2-9-10), and Setting date of hearing, (2-22-10). (Construction Estimate - \$40,930). (Council Communication No. 10-034) Moved by Mahaffey 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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