

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date	April 26, 2010
	Agenda Item No. 63 Roll Call No. <u>10-</u> Communication No. <u>10-230</u> Submitted by: Jeb E. Brewer, P.E. City Engineer	

AGENDA HEADING:

Reject all bids on 2010 Tennis Court Resurfacing and to close the hearing on the plans, specifications, form of contract and Engineer’s estimate.

SYNOPSIS:

Recommend the City Council reject all bids received on April 13, 2010, because only one bid was received, which could not be opened and read because the bid security was not submitted on an acceptable form; and direct the City Engineer to reevaluate the project schedule and rebid the project at a later date. This project provides for resurfacing twelve tennis courts at Waveland Park and five tennis courts at Birdland Park to provide a new playing surface.

FISCAL IMPACT:

Amount: \$95,428 City Engineer's Estimate

Funding Source: 2009-2010 CIP, Page PKS-15, Neighborhood Park Improvements, PKS137, G. O. Bonds

ADDITIONAL INFORMATION:

On March 22, 2010, under Roll Call No. 10-418, the City Council received and filed plans, specifications, form of contract documents, and City Engineer's estimate for the construction of the 2010 Tennis Court Resurfacing. 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 2010 Tennis Court Resurfacing, 11-2010-013. The improvement includes construction on tennis court facilities located at Waveland Park and Birdland Park in Des Moines, Iowa, including crack repairs, joint sealing and joint repairs, court resurfacing, and finish color and striping on seventeen (17) tennis courts; in accordance with the contract documents including Plan File Numbers 517-019/027.

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

Upper Midwest Athletic Construction, Division of Blacktop Repair Service, Inc.,
Anoka, MN, which was not opened or 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 April 13, 2010, and only one bid was received, which was from Upper Midwest Athletic Construction, Division of Blacktop Repair Service, Inc., 16340 Nowthen Boulevard, Anoka, MN 55303. Staff at the bid opening could not open or read this bid because the bid security was not submitted on an acceptable form.

Staff made contacts after the bid opening to determine why the other seven companies that indicated they were interested in bidding the project as a prime bidder did not submit a bid and discovered the following:

- Several companies were concerned that the allowable time windows for construction included in the completion provisions were too restrictive and did not give adequate time windows to complete the work. These contract provisions were written around the Parks Department requirements to keep the tennis courts open and available for certain tournaments and events that had already been scheduled this summer.
- Several companies did not have any experience with the “Armor Crack Repair System”, which is new technology, and decided not to bid.
- Several companies either did not have time to prepare their bid or could not fit the specified construction time windows into their current work schedules.

Therefore, the City Engineer recommends that the project schedule be reevaluated and the project be bid at a later date.

PREVIOUS COUNCIL ACTION(S):

Date: March 22, 2010

Roll Call Number: 10-418

Action: Ordering construction of the following: 2010 Tennis Court Resurfacing: Receiving of bids, (4-13-10), and Setting date of hearing, (4-26-10). (Construction Estimate - \$95,428). (Council Communication No. 10-161) 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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