

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date</b>	May 10, 2010
	<b>Agenda Item No.</b> 8 <b>Roll Call No.</b> 10-694 <b>Communication No.</b> <u>10-256</u> <b>Submitted by:</b> <b>Jeb E. Brewer, P.E.</b> <b>City Engineer</b>	

**AGENDA HEADING:**

Approving contract and bond, and Permission to Sublet for construction of an improvement the estimated cost of which is less than the Iowa Code competitive bid threshold, 2201 Forest Avenue Contaminated Soil Removal, Elder Corporation, Jared R. Elder II, President, \$31,450.

**SYNOPSIS:**

Recommend approval to receive and file bids, designate lowest bidder, approve contract and bond, and permission to sublet for 2201 Forest Avenue Contaminated Soil Removal, 04-2010-013. The improvement includes removal and hauling of the petroleum-contaminated soil to the Metro Landfill, along with backfill of the excavation with clean soil and compaction, which must be completed before redevelopment can occur. Staff has negotiated special prices with the Metro Landfill for disposal of the contaminated soil at an estimated cost of \$20,000, and will pay the Landfill directly for the disposal costs. The Community Development Department is working with potential developers regarding this Forest Avenue Redevelopment site.

**FISCAL IMPACT:**

Amount: \$31,450 (Construction Contract)

Funding Source: Operating Budget, Page 70, CDD-Forest Avenue Redevelopment, CDBG2004034, being: CDBG funds for payment of 100% of the contract cleanup cost. In addition, the City will directly pay the landfill costs for disposal of the contaminated soil under this Activity ID, which is also CDBG eligible and estimated at \$20,000. However, we anticipate reimbursement of approximately 2/3 of the cleanup and disposal cost from the Iowa Underground Storage Tank Insurance Program.

**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 (currently \$100,000 for this type of work) 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 the following improvement. These bidding and

contracting process changes were also approved by the Des Moines International Airport Board on March 6, 2007, under Resolution Number A07-51. 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:

2201 Forest Avenue Contaminated Soil Removal, 04-2010-013, HUD CDBG Funding. The improvement includes over excavation and hauling of petroleum-contaminated soil, along with backfill of the excavation with clean soil and compaction, and all necessary appurtenances and restoration, in accordance with the contract documents at 2201 Forest Avenue, 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 April 26, 2010.

Bids for said improvement were submitted by the following bidders:

Elder Corporation, Des Moines, IA,  
MPS Engineers, P.C., West Des Moines, IA,  
Sandstone Management, LTD., Carlisle, IA,  
J. Pettiecord Inc., Des Moines, IA,  
Barker, LeMar & Assoc., Inc., West Des Moines, IA,  
Unified Contracting Services, Inc., Des Moines, IA.

The Des Moines City Engineer has determined that the lowest responsible, responsive bid was submitted by Elder Corporation in the amount of \$31,450, 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): NONE**

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

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Partial Payments to the Contractor and final acceptance of work. Payment to Metro Landfill for disposal of contaminated soils.

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