

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: June 14, 2010
	Agenda Item No. 75 Roll Call No. [Roll Call] Communication No. <u>10-352</u> Submitted by: Jeb E. Brewer, P.E. City Engineer

AGENDA HEADING:

Hearing on 2010 Tennis Court Resurfacing: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Blacktop Repair Service, Inc., dba Upper Midwest Athletic Construction, Patricia J. Hicks, President, \$89,979.90.

SYNOPSIS:

This is a public hearing to allow for public input on the 2010 Tennis Court Resurfacing and take the necessary actions as required by Iowa Code to authorize a contract for construction of the proposed project. 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: \$89,979.90 Construction Contract (\$96,000 City Engineer's Estimate)

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

ADDITIONAL INFORMATION:

On April 26, 2010, under Roll Call No. 10-676, the City Council rejected the bids and closed the hearing on plans, specifications, form of contract and Engineer’s estimate for the 2010 Tennis Court Resurfacing. Only one bid was received, which could not be opened and read because the bid security was not acceptable. The Council also directed the City Engineer to reevaluate the project schedule and rebid the project at a later date. The project specifications and schedule have been revised, and the City Engineer recommended that the project be rebid at this time so that construction can begin this summer and be completed in September 2010.

On May 10, 2010, under Roll Call No. 10-693, 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 work 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:

Blacktop Repair Service, Inc., dba Upper Midwest Athletic Construction, Anoka, MN - Bid read under advisement

Western Waterproofing Co., Inc., West Des Moines, IA - Bid read under advisement

ILLOWA Investment Inc., Blue Grass, 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 May 25, 2010, and the bid received from Blacktop Repair Service, Inc., dba Upper Midwest Athletic Construction, Patricia J. Hicks, President, 16340 Nowthen Boulevard, NW, Anoka, MN, 55303, was read under advisement because Upper Midwest did not submit Page 3 of the Proposal Attachment with its bid. Said Page 3 of the Proposal Attachment includes part of the Contract Compliance Program Requirements (which did not apply to this project) and General Additional Requirements; however, the bidder is not required to provide any information on any of this missing page. Ms. Terri Mevissen at Upper Midwest stated that they will comply with the requirements, and inadvertently left the page out when they assembled their proposal. Even though Upper Midwest did not return all the proposal sheets, Upper Midwest completed and returned all the proposal sheets requiring information to be supplied by the bidder. After further review, the Engineering and Legal Departments have determined that this was a minority 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 Blacktop Repair Service, Inc., dba Upper Midwest Athletic Construction, Patricia J. Hicks, President, 16340 Nowthen Blvd., Anoka, MN, 55303 in the amount of \$89,979.90, 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: May 10, 2010

Roll Call Number: [10-693](#)

Action: Ordering construction of the following: [2010](#) Tennis Court Resurfacing: Receiving of bids, (5-25-10), and Setting date of hearing, (6-14-10). (Construction Estimate - \$96,000). ([Council Communication No. 10-248](#)) Moved by Moore to adopt. Motion Carried 7-0.

Date: April 26, 2010

Roll Call Number: [10-676](#)

Action: [Resolution](#) to REJECT all bids and to close the hearing on plans, specifications, form of contract and Engineer's estimate for the 2010 Tennis Court Resurfacing. ([Council Communication No. 10-230](#)) Moved by Hensley to adopt. Motion Carried 7-0.

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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