

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> August 9, 2010
	<b>Agenda Item No.</b> 7 <b>Roll Call No.</b> <u>10-1263</u> <b>Communication No.</b> <u>10-497</u> <b>Submitted by:</b> <b>Jeb E. Brewer, P.E.</b> <b>City Engineer</b>

**AGENDA HEADING:**

Rejection of quote submitted by Iowa Athletic Field Construction Co., and approval of contract and bond for construction of an improvement the estimated cost of which is less than the Iowa Code competitive bid threshold, Grandview Golf Course No. 9 Green Relocation, Leibold Irrigation, Inc., \$82,280.

**SYNOPSIS:**

Recommend approval to receive and file bids, designate lowest bidder, approve contract and bond, and permission to sublet for Grandview Golf Course No. 9 Green Relocation, 11-2010-005.

**FISCAL IMPACT:**

Amount: \$82,280 (Construction Contract)

Funding Source: 2010-2011 CIP, Page Park-7, First Tee, PKS171, G. O. Bonds

**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 \$80,900.00, 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:

Grandview Golf Course No. 9 Green Relocation, 11-2010-005

The improvement includes the relocation of an existing irrigation mainline, mass grading and shaping, construction of a new sand-based putting green, construction of a new sand bunker with sub-surface drainage, irrigation modifications, cart path construction, sodding and seeding; all in accordance with the contract documents including Plan File Nos. 498-151/153 at Grandview Golf Course, 2400 E. 29th Street, 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 July 26, 2010.

Bids for said improvement were submitted by the following bidders:

Iowa Athletic Field Construction Company, Webster City, IA,  
Leibold Irrigation, Inc., East Dubuque, IL,  
Landscapes Unlimited, LLC, Lincoln, NE,  
Hartman Companies, Inc., Victoria, MN,  
Duininck, Inc, Prinsburg, MN,

During the review of the bids by Des Moines Engineering Department staff, it was determined that the low bidder, Iowa Athletic Field Construction Co., Kurt Miller, Owner, 601 Third Street, Webster City, Iowa, 50595, does not meet the experience requirements stated in the Special Provision for Bidding Requirements in the contract documents, which provided as follows:

Because this is a specialized type of construction, only General Construction Bidders having prior experience on golf course projects will be considered. The General Construction Bidders, or the subcontractor who will be responsible for completing the golf course works, shall be required to have previously been the prime contractor and successfully completed the construction or reconstruction of at least one green each year for the past four (4) years. Bidders may not combine the experience of subcontractors to meet the minimum experience requirement.

The irrigation subcontractor shall be required to have previous experience installing golf course irrigation systems of comparable size and must have installed a minimum of two complete eighteen-hole golf course irrigation systems in the past 3 years.

Based on the information provided by Iowa Athletic Field Construction Co. dated July 28, 2010, Engineering Department staff counted two green reconstruction projects and found no golf course irrigation experience as required in the experience requirements included in the bidding requirements special provision and therefore, the Engineering Department staff determined that Iowa Athletic Field Construction Co. is not a responsive, responsible bidder.

On July 30, 2010, the City Engineer sent notice to Mr. Kurt Miller, Owner, Iowa Athletic Field Construction Co. that its bid would be rejected, and if Iowa Athletic Field Construction Co. disagreed with the Engineering Department's interpretation of his company's work experience, or if Iowa Athletic Field Construction Co. had additional information, to respond before noon on Tuesday August 3, 2010.

On August 2, 2010, the City Engineer had a telephone conversation with Mr. Kurt Miller to discuss the letter and qualifications of Iowa Athletic Field Construction Co. to do the work. Mr. Miller stated that Iowa Athletic Field Construction Co. could do the work even though it does not meet the minimum experience requirements stated in the contract documents. The City Engineer explained that the

experience requirements, included in the bidding requirements special provision, are the recommendation of the City's golf course architect, and cannot be changed at this time, and if Mr. Miller thought that the experience requirement was excessive, he should have raised that question during the bid period, so that the City could have reviewed the architect's recommendation, and if appropriate, changed the requirement by addendum. The City Engineer explained it would not be fair to the other bidders, and possibly companies that did not bid because of this requirement, to change the experience requirement at this time.

The Engineering and Legal Departments have determined that Iowa Athletic Field Construction Co. is not a responsive, responsible bidder, since it does not meet the experience requirements stated in the Special Provision for Bidding Requirements in the contract documents, and the City Engineer recommends that the bid submitted by Iowa Athletic Field Construction Co. in the amount of \$79,300 be rejected and the contract be awarded to the next lowest responsible, responsive bidder, Leibold Irrigation, Inc., Douglas Wareham, Vice President, 18950 County Highway 5 West, East Dubuque, IL, 61025 in the amount of \$82,280, which meets the experience requirements stated in the Special Provision for Bidding Requirements in the contract documents.

Engineering and Parks Department have reviewed the five alternates in the bid and recommend acceptance of Leibold Irrigation, Inc's base bid in the amount of \$81,080 plus Alternate No. 1 in the amount of \$1,200 for sodding the fairway in lieu of seeding, for a total recommended contract of \$82,280. The Des Moines City Engineer has determined that the lowest responsible, responsive bid was submitted by Leibold Irrigation, Inc., 18950 County Hwy 5 West, East Dubuque, IL, 61025, in the amount of \$82,280, and recommends that said bid be accepted.

The Des Moines City Engineer will secure 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.

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