

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> February 14, 2011
	<b>Agenda Item No.</b> 75 <b>Roll Call No.</b> [ _____ ] <b>Communication No.</b> <u>11-094</u> <b>Submitted by:</b> <b>Jeb E. Brewer, P.E., City Engineer</b>

**AGENDA HEADING:**

Hearing on City Hall window replacement: resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Strong Tower Construction, LLC, dba Koch Corporation, Benjamin Feinn, CEO, 1131 Logan Street, Louisville, KY 40204, \$421,414.

**SYNOPSIS:**

Hearing to allow for public input on the City Hall window replacement and to take the necessary actions, as required by Iowa Code, to authorize a contract for construction of the proposed project. This project includes the installation of aluminum replacement windows in a portion of City Hall, as approved by the State Historic Preservation Office (SHPO), and as approved by the City Council on July 12, 2010, utilizing a Department of Energy (DOE), Energy Efficiency and Conservation Block Grant (EECBG).

**FISCAL IMPACT:**

Amount: \$421,414 Construction Contract (\$595,000 City Engineer's Estimate with add-alternate).

Funding Source: 2010-2011 CIP, Page Building-7, Energy Conservation, BLD110, Being: DOE EECBG.

**ADDITIONAL INFORMATION:**

The City Hall window replacement project was bid previously on November 23, 2010. On December 6, 2010, City Council rejected all bids received because only one bid was received from The Hansen Company, Inc., in the amount of \$1,057,900, which was 111% over the project estimate of \$500,000, and exceeded the project budget. It was noted at the December 6, 2010 Council meeting, that the Engineering Department staff would reevaluate the overall project scope and project design, and the City Engineer recommended the project be rebid at a later date.

The City Hall window replacement project that was bid on November 23, 2010 included all windows and doors in City Hall. The reevaluation indicated that the eighteen large arched windows in the great hall were very costly. It was also determined that these large great hall windows and doors were replaced in the 1970’s and are thermo-pane glass. The remaining smaller windows in City Hall were older and not thermo-pane glass, and since these windows are not stationary and have deteriorated seals/weather-stripping, allow additional energy loss. Therefore, the current City Hall window replacement project does not include replacement of the eighteen large great hall arched windows, however, replacement of the entry doors are included. The bid of \$421,414 received from Strong Tower Construction, LLC, d/b/a

Koch Corporation, does include replacing all the smaller windows and complete replacement of the entry doors.

On January 10, 2011, under Roll Call No. 11-0009, the City Council received and filed plans, specifications, form of contract documents, and City Engineer's estimate for the construction of the City Hall window replacement. 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 City Hall window replacement, 10-2009-017. The improvement includes removal of a portion of the existing exterior aluminum framed windows; installation of new thermally-broken aluminum framed windows with 1" insulating glass; removal and disposal of existing window draperies and blind systems; removal, inventory and reinstallation of sunscreen roller shades in City Council Chambers; all work in accordance with the contract documents including Plan File Nos. 499-01/10 at City Hall, 400 Robert D. Ray Drive, Des Moines, IA.

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

Strong Tower Construction, LLC, dba Koch Corporation, Louisville, KY  
Iowa Contract Glazing, Inc., Urbandale, 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, IA at 11:00 a.m. on February 1, 2011.

The bid received from Iowa Contract Glazing, Inc., was not read. The Proposal Attachment, Part F, Item 2 required the bidder to complete the Disadvantaged Business Enterprise/Targeted Small Business Pre-bid Information. The bidder is required to provide the information showing Disadvantaged Business Enterprises and/or Targeted Small Business contacts made prior to the bid submission. Since Iowa Contract Glazing, Inc., failed to make and disclose these pre-bid contracts, the bid is considered to be non-responsive and results in the the bid not being read.

The City Engineer has determined that the lowest responsive, responsible bid for the construction of said improvement was submitted by Strong Tower Construction, LLC, dba Koch Corporation, in the amount of \$421,414, is the only bid received and is 29.17% below the Engineer's estimate, and said bid should be accepted. The Finance Director has determined that funds are available for said improvement.

### **PREVIOUS COUNCIL ACTION(S):**

Date: January 10, 2011

Roll Call Number: [11-0009](#)

Action: Ordering construction of [City](#) Hall Window Replacement - Receiving of bids, (2-1-11) and Setting date of hearing, (2-14-11). Engineer's Estimate, \$550,000. ([Council Communication No. 11-015](#)) Moved by Mahaffey to adopt. Motion Carried 7-0.

Date: December 6, 2010

Roll Call Number: [10-2022](#)

Action: [Resolution](#) to REJECT all bids and close the hearing on plans, specifications, form of contract and Engineer's estimate for City Hall Window Replacement. (One bid received, over estimate) ([Council Communication No. 10-719](#)) Moved by Meyer to adopt. Motion Carried 7-0.

Date: October 25, 2010

Roll Call Number: [10-1707](#)

Action: [Ordering](#) construction of City Hall Window Replacement: Receiving of bids, (11-23-10), Setting date of hearing, (12-6-10). (Construction Estimate - \$480,000). ([Council Communication No. 10-634](#)) Moved by Mahaffey to adopt. Motion Carried 7-0.

Date: July 12, 2010

Roll Call Number: [10-1170](#)

Action: [Amendment](#) to scope of Department of Energy (DOE), Energy Efficiency and Conservation Block Grant (EECBG), and approving staff recommendation to utilize aluminum replacement windows in City Hall and the Police Station. ([Council Communication No. 10-423](#)) Moved by Hensley to adopt; refer to the City Manager to identify funds to offer a mortgage buy-down or similar program, and to report back in 30 days. Motion Carried 7-0.

Date: June 28, 2010

Roll Call Number: [10-1097](#)

Action: [Amendment](#) to the scope of the Department of Energy (DOE) Energy Efficiency and Conservation Block Grant (EECBG), and approving staff recommendation to utilize aluminum replacement windows in City Hall and the Police Station. ([Council Communication No. 10-410](#)) Moved by Hensley to defer consideration to the July 12, 2010 Council Meeting. Motion Carried 7-0.

Date: February 22, 2010

Roll Call Number: [10-322](#)

Action: [Assistance](#) Agreement for second grant payment of \$555,000 for a Mortgage Buy-Down Program for Energy – Efficient Residential Buildings as part of Department of Energy (DOE) Energy Efficiency and Conservation Block Grant (EECBG). ([Council Communication No. 10-075](#)) Moved by Mahaffey to adopt. Motion Carried 6-1. Pass: Hensley.

Date: January 25, 2010

Roll Call Number: [10-118](#)

Action: [Acceptance](#) of Department of Energy (DOE) Energy Efficiency and Conservation Block Grant for a Retrofit Ramp-Up Program made available through The American Recovery and Reinvestment Act, initial award of \$57,300. ([Council Communication No. 10-017](#)) Moved by Mahaffey to adopt. Motion Carried 7-0.

Date: June 22, 2009

Roll Call Number: [09-1150](#)

Action: [Application](#) for Energy Efficiency and Conservation Block Grant from the Department of Energy, \$1,982,300. ([Council Communication No. 09-437](#)) Moved by Vlassis to approve. Motion Carried 6-1. Absent: Mahaffey.

**BOARD/COMMISSION ACTION(S):**

Date: June 8, 2010

Roll Call Number: N/A

Action: Urban Design Review Board - Motion by Morgan to recommend and approve the exterior aluminum wood-clad windows (Option 2). Second by Garner, Motion carried.

Date: May 18, 2010

Roll Call Number: N/A

Action: Urban Design Review Board - Presentation of all wood windows and additional glass options for City Hall. Item tabled until next meeting.

Date: May 4, 2010

Roll Call Number: N/A

Action: Urban Design Review Board - Presentation of thermally-broken aluminum framed windows for City Hall. Board directed project to return with additional glass options and a wood window option.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Partial payments to the contractor and final acceptance of work.

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