

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> August 26, 2013
	<b>Agenda Item No.</b> 50 <b>Roll Call No.</b> <u>13-1364</u> <b>Communication No.</b> <u>13-430</u> <b>Submitted by:</b> <b>Jeb E. Brewer, P.E., City Engineer</b>

**AGENDA HEADING:**

Hearing on 2013 Americans with Disabilities Act (ADA) Sidewalk Ramp Program - Contract 1: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as T K Concrete Inc., Tony J. Ver Meer, President, \$434,750.

**SYNOPSIS:**

This is a public hearing to allow for public input on the 2013 ADA Sidewalk Ramp Program - Contract 1 and to take the necessary actions as required by Iowa Code to authorize a contract for construction of the proposed project. This project provides for the installation of new sidewalk ramps where required and the reconstruction of existing sidewalk ramps to bring them into compliance with the ADA. The ramps will be constructed throughout the City at the highest priority locations included in the Phase III (Curb Ramps) Transition Plan approved by the City Council by Roll Call No. 09-2124 on November 23, 2009, and at locations required under Project Civic Access.

**FISCAL IMPACT:**

Amount: \$434,750 Construction Contract (\$450,000 City Engineer's Estimate)

Funding Source: 2013-2014 CIP, Page Street - 31, Sidewalks - ADA Compliance, SW095, G. O. Bonds

**ADDITIONAL INFORMATION:**

On July 29, 2013, by Roll Call No. 13-1182, the City Council received and filed plans, specifications, form of contract documents, and City Engineer's estimate for the construction of the 2013 ADA Sidewalk Ramp Program - Contract 1. 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 2013 ADA Sidewalk Ramp Program - Contract 1, 09-2013-003. The improvement includes construction of sidewalk ramps with Portland cement concrete sidewalk four (4) inches, six (6) inches or eight (8) inches thick, together with all necessary appurtenances; in accordance with the contract documents, at various locations determined by the "Americans with Disabilities Act, City of Des Moines, Iowa, Transition Plan" throughout the City of Des Moines, Iowa.

On August 13, 2013 sealed bids for said improvement were received and opened at a public meeting presided over by the Engineer in the City Council Chamber, and the bids received from one (1) of the

two (2) bidders was not read because the Disadvantaged Business Enterprise/Target Small Business Pre-Bid Information table on Proposal Attachment: Part F – Additional Requirements; Item 2A – Contract Compliance Program appeared to not have been completed sufficiently. Item 2A states “The Bidder is required to fully complete the Pre-Bid Information table by providing all Pre-Bid Information showing Disadvantaged Business Enterprises and/or Targeted Small Business contacts (and results) made prior to the bid submission. This information is subject to verification and confirmation. If the Bidder will self-perform all work on the project and no subcontractors will be utilized to complete the project, the Bidder shall indicate in the below Pre-Bid Information table that “no subcontractors will be utilized on the project”. Failure to make and disclose pre-bid contracts in the table, as well failure to specifically state whether quotes were received (and applicable date) and whether a received quote was used in the bid in the table, or in the alternative, failure to indicate that "no subcontractors will be utilized on the project" if the Contractor is self-performing all work and no subcontractors will be utilized to complete the project, shall cause the bid to be non-responsive and shall result in the bid not being read”.

After the letting, Engineering and Legal Department Staff met to discuss the problem with the bid submitted on this project to discuss the bidder’s apparent intent when completing the Pre-Bid Information table. During the discussion it was determined that this bidder’s information was sufficient by indicating no quotes were received, and that the remainder of the table did not need to be completed since no quotes were received by the bidder. As a result, the City Engineer reconvened the letting for the above referenced project on August 15, 2013 at 2:00 p.m. in the City Council Chamber, at which time City Staff reconsidered the bid that was opened on August 13, 2013 but not read because of the bidder’s failure to complete the Pre-Bid Information table as stated above. Staff read the bid and will present it to the City Council for consideration with the recommendation the bid be accepted.

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

T K Concrete Inc., Pella, IA  
MPS Engineers, P.C., Des Moines, 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 August 13, 2013.

The City Engineer has determined that the lowest responsive, responsible bid for the construction of said improvement was submitted by T K Concrete Inc., Tony J. Ver Meer, President, 1608 Fifield Road, Pella, IA, 50219 in the amount of \$434,750, 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: July 29, 2013

Roll Call Number: [13-1182](#)

Action: [Ordering](#) construction of 2013 ADA Sidewalk Ramp Program – Contract 1: Receiving of bids, (8-13-13), Setting date of hearing, (8-26-13), Construction estimate, \$450,000. ([Council Communication No. 13-397](#)) 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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