

DATE March 10, 2008

APPROVAL OF CONTRACT AND BOND
AND PERMISSION TO SUBLET ON
SE 5TH STREET OVER YEADER CREEK BRIDGE REHABILITATION
\$327,279.90

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$327,279.90, executed by Herberger Construction Co., Inc., Dean Herberger, President, 2508 West 2nd Avenue, Indianola, IA, 50125 dated March 10, 2008, for the construction of the following improvement:

SE 5th Street over Yeader Creek Bridge Rehabilitation, 12-2006-003

STP-U-1945(734)--70-77

The improvement includes bridge rehabilitation utilizing Class 'A' and 'B' bridge deck repairs, bridge overlay, removal and replacement of approach pavement and sidewalk, removal and replacement of barrier rails and ornamental railings, revetment, galvanic corrosion protection, grooving, clearing and grubbing, channel excavation, pavement markings and traffic control all in accordance with the contract documents including Plan File Nos. 480-051/064 on the SE 5th Street over Yeader Creek Bridge in Des Moines, Iowa

the same to be performed in accordance with the plans and specifications which have been heretofore approved by this Council, be and the same are hereby approved. The attached "Contractor's Anticipated DBE/TSB Utilization" shows the Contractor's efforts to solicit DBE/TSB Participation in accordance with the Disadvantaged Business Enterprise/Targeted Small Business (DBE/TSB) Program.

BE IT FURTHER RESOLVED: That the Mayor be and is hereby authorized and directed to execute said contract on behalf of the City of Des Moines, and the City Clerk, be and is hereby authorized and directed to attest to same. No contract shall be deemed to exist between the City of Des Moines and said Bidder until said contract has been executed by the Bidder, and shall have been approved by this Council and executed by the Mayor and attested to by the City Clerk.

BE IT FURTHER RESOLVED: That after said contract has been executed by the Mayor, the City Clerk be and is hereby authorized and directed to return the Contractor's bid security.

BE IT FURTHER RESOLVED: That the attached communication from said Contractor requesting permission to sublet designated items and the attached Permission to Sublet form, be and are hereby approved subject to each subcontractor's compliance with the City of Des Moines Contract Compliance Program. The City Manager is hereby directed to sign said Permission to Sublet form granting permission for said listed subcontractor to work on said improvement upon each subcontractor's compliance with the City of Des Moines Contract Compliance Program as monitored by the Engineering Department.

★ **Roll Call Number**


Agenda Item Number

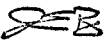
63A

DATE March 10, 2008

BE IT FURTHER RESOLVED: That the Des Moines Finance Director is hereby authorized to encumber this contract amount against the funds as identified below, and to acquire Builder's Risk Insurance, if appropriate, for the above referenced improvement.

Moved by _____ to adopt.

FORM APPROVED 
 Kathleen Vanderpool
 Deputy City Attorney

 Funding Source: 2007-2008 CIP, Page Bridge-14, SE Fifth Street Bridge over Yeader Creek, BRV038, Various Funding, Being: \$261,823.92 Federal funds (The IDOT agreement specifies that 80% of the construction costs are eligible for Federal funding up to a maximum of \$336,000) and \$65,455.98 in Gaming Monies from the Agreement with Polk County and The Racing Association of Central Iowa

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED APPROVED

I, Diane Rauh, City Clerk of said City Council, hereby certify that at a meeting of the City Council, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

 Mayor

 City Clerk



CONTRACTOR'S ANTICIPATED DBE/TSB UTILIZATION
SE 5th Street over Yeader Creek Bridge Rehabilitation

Activity ID 12-2006-003

On February 19, 2008, Herberger Construction Co., Inc., Dean Herberger, President, 2508 West 2nd Avenue, Indianola, IA 50125 submitted a proposal for construction of the SE 5th Street over Yeader Creek Bridge Rehabilitation, Activity ID 12-2006-003, which the City Council has determined to be the lowest responsible, responsive bid for said project in the amount of \$327,279.90. The proposal included a statement that the Disadvantaged Business Enterprise/Targeted Small Business (DBE/TSB) Program shall not apply to this project.

The Engineering Department has prepared this report summarizing the information that Herberger Construction Co., Inc., has submitted indicating that it anticipates utilizing the following DBE/TSB companies on this project:

<u>DBE/TSB Name</u>	<u>Description of Work</u>	<u>Estimated Amount</u>
None	N/A	\$0.00
	Estimated DBE/TSB Participation	\$0.00
	Herberger Construction Co., Inc. Amount	\$327,279.90
	Percentage of DBE/TSB Participation	0.00%