

DATE March 26, 2007

**PUBLIC HEARING, APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT DOCUMENTS, AND ENGINEER'S ESTIMATE ON SAYERS PARK RESTROOM RENOVATION; RECEIVE AND FILE BIDS; AND DESIGNATION OF LOWEST RESPONSIVE, RESPONSIBLE BIDDER AS AZCON INC., LAWRENCE M. WOLINSKI, PRESIDENT, \$89,000.00**

WHEREAS, on February 26, 2007, under Roll Call No. 07-318, plans, specifications, form of contract documents, and Jurisdictional Engineer's estimate of construction cost were filed with the City Clerk, for the construction of the following improvement:

Sayers Park Restroom Renovation, 11-2006-024

The improvement includes renovations to the existing restroom facilities to conform to Americans with Disabilities Act, including demolition of floor slabs, toilet partitions, and plumbing fixtures; widening of door openings; installation of doors and frames, plumbing fixtures, toilet partitions, interior and exterior lighting; and interior and exterior painting; all in accordance with the contract documents including Plan File Nos. 472-037/043 at Sayers Park, SW 13th Street and Watrous Avenue, Des Moines, Iowa

WHEREAS, notice of the hearing on the plans, specifications, form of contract documents, and Engineer's estimate of construction cost was published as required by law.

WHEREAS, on March 13, 2007, sealed bids for said improvement were received and opened at a public meeting presided over by the Chief Civil Engineer, and the bid received from SKH Corporation, Susan K. Holcomb, President, 3633 70th Street, Suite C, Urbandale, Iowa, 50322, was read under advisement because Proposal Attachment: Part C-Bid Items, Quantities, and Prices was not properly completed because SKH Corporation submitted a bid of \$71,996.00 for the Total Base Bid, did not include a bid for Alternate No. 1 or 2, and submitted \$3,884.00 for Total Base Bid plus any Add-Alternates; and

WHEREAS, the Engineering Department has tabulated the bids in accordance with the Section 1020 1.07 D of the Urban Standard Specifications which states:

In the case of discrepancy, the unit price shall govern; except in the case of an obvious, serious, clerical error where the City Engineer is able to determine the bidder's intent from the proposal; in which case, the Des Moines City Council may waive irregularities that are in best interest of the City of Des Moines, as long as the integrity of the bid process can be maintained.

The Engineering Department tabulation of the bid submitted by SKH Corporation shows the Total Base Bid plus any Add-Alternates should be \$75,880.00, not the \$3,884.00 as submitted, and the \$3,884.00 is the sum of Alternates 1 and 2 which SKH Corporation has stated that the individual bids for Alternate 1 should be \$190.00 and Alternate 2 should be 3,694.00; and after further review, the Legal Department has determined that this was a minority irregularity that could be waived; and

DATE March 26, 2007

WHEREAS, during review and evaluation of the bid submitted by SKH Corporation, Engineering Department Staff discovered that SKH Corporation intended to sublet 100% of the contract work which is noncompliance with Section 1030 1.10 A.1 of the Urban Standard Specifications for Public Improvement which requires the contractor to perform not less than 50% of the contract work with its own forces; and after discussion with Susan K. Holcomb, President of SKH Corporation, SKH Corporation submitted the attached letter requesting to withdraw its bid and further requesting that the City of Des Moines return the bid security submitted by SKH Corporation. SKH Corporation is a Targeted Small Business, and the loss of its bid security would be devastating to the company; and

Whereas, the City Engineer recommends that SKH Corporation be allowed to withdraw its bid and its bid security be returned; and further recommends that the City Council consider the bid submitted by Azcon Inc., Lawrence M. Wolinski, President, 11185 NW 52nd Avenue, Grimes, IA, 50111, which was also read under advisement because Proposal Attachment: Part C-Bid Items, Quantities, and Prices was not properly completed because Azcon Inc., submitted a bid of \$79,900.00 for the Total Base Bid, \$2,800.00 for Alternate No. 1, \$6,300.00 for Alternate No. 2 and \$9,100.00 for Total Base Bid plus any Add-Alternates; and

WHEREAS, the Engineering Department has tabulated the bids in accordance with the Section 1020 1.07 D of the Urban Standard Specifications which states:

In the case of discrepancy, the unit price shall govern; except in the case of an obvious, serious, clerical error where the City Engineer is able to determine the bidder's intent from the proposal; in which case, the Des Moines City Council may waive irregularities that are in best interest of the City of Des Moines, as long as the integrity of the bid process can be maintained.

The Engineering Department tabulation of the bid submitted by Azcon Inc., shows the Total Base Bid plus any Add-Alternates should be \$89,000.00, not the \$9,100.00 as submitted; and after further review, the Legal Department has determined that this was a minority irregularity that could be waived by the City Council. The Chief Civil Engineer recommends acceptance of the Total Base Bid plus any Add-Alternates in the amount of \$89,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the hearing on the plans, specifications, form of contract documents, and Jurisdictional Engineer's estimate of construction cost for said improvement be closed; and that said plans, specifications, form of contract documents, and Jurisdictional Engineer's estimate of construction cost are hereby approved as the plans, specifications, form of contract documents, and Jurisdictional Engineer's estimate of construction cost for said improvement.

DATE March 26, 2007

BE IT FURTHER RESOLVED: That the City Council concurs in the recommendation of the Engineering Department and the Legal Department regarding the bid submitted by SKH Corporation, and that SKH Corporation be and is hereby allowed to withdraw its bid and the City Clerk is directed to return SKH Corporation's bid security.

BE IT FURTHER RESOLVED: That the City Council concurs in the recommendation of the Engineering Department and the Legal Department regarding the bid submitted by Azcon Inc., waives said minor irregularity, and hereby receives the bid submitted by Azcon Inc.

BE IT FURTHER RESOLVED: That sealed bids for said improvement were submitted by the following bidders:

SKH Corporation	Urbandale, IA Bid withdrawn by Bidder
Azcon Inc.	Grimes, IA Bid read under advisement
Johnson Concrete & Petroleum Const. Inc.	Des Moines, IA
Bergstrom Construction, Inc.	Des Moines, IA
Koester Construction Co., Inc.	Grimes, IA Bid not read

which were received and opened at a public meeting presided over by the Jurisdictional Engineer in the City Council Chambers, 2nd Floor, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa at 11:00 a.m. on March 13, 2007. Said bids and the attached tabulation of bids for said improvement be and are hereby received and filed.

BE IT FURTHER RESOLVED: That the Jurisdictional Engineer has determined that the lowest responsive, responsible bid for the construction of said improvement was submitted by Azcon Inc., Lawrence M. Wolinski, President, 11185 NW 52nd Avenue, Grimes, IA, 50111 in the amount of \$89,000.00, and said bid be and the same is hereby accepted.

BE IT FURTHER RESOLVED: That the bid security of the unsuccessful bidders be and is hereby authorized and directed to be returned.

★ **Roll Call Number**

**Agenda Item Number**

51

DATE March 26, 2007

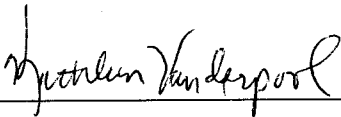
BE IT FURTHER RESOLVED: That the Jurisdictional Engineer is hereby directed to secure execution by the lowest responsible, responsive Bidder and its surety of the contract documents in the form heretofore approved by this Council; that the Jurisdictional Engineer is directed to thereafter present said contract documents to this Council for approval and authorization to the Mayor to sign; and that 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.

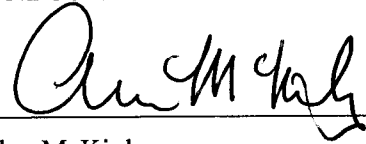
(City Council Communication Number 07-163 attached.)

Moved by \_\_\_\_\_ to adopt.

FORM APPROVED:

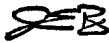
FUNDS AVAILABLE





Kathleen Vanderpool  
Deputy City Attorney

Allen McKinley  
Des Moines Finance Director

 Funding Source: 2006-2007 CIP, Page Park-13, Park Building Improvements, PKS143, G. O. Bonds

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

51

# SKH CORPORATION

3633 70<sup>TH</sup> STREET, SUITE C, URBANDALE, IA 50322

PHONE: 515-276-6230 FAX: 515-270-0301

March 14, 2007

RECEIVED

MAR 14 2007

DEPT. OF ENGINEERING  
CITY OF DES MOINES, IOWA

City of Des Moines  
Engineering Department  
John McKee  
City Hall  
400 Robert D. Ray Drive  
Des Moines, IA 50309

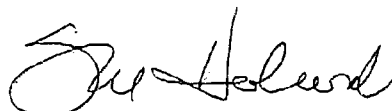
RE: Sayers Park Restroom Renovation

Dear John:

I would like to withdraw my bid for the above project. When I submitted my proposal I was unaware of the requirement listed in the Urban Standard Specifications for Public Improvements Manual, Section 1030 1.10 A.1 stating the contractor shall perform with its own organization and forces work amounting to not less than fifty percent of the total contract cost. I am unable to comply with this provision.

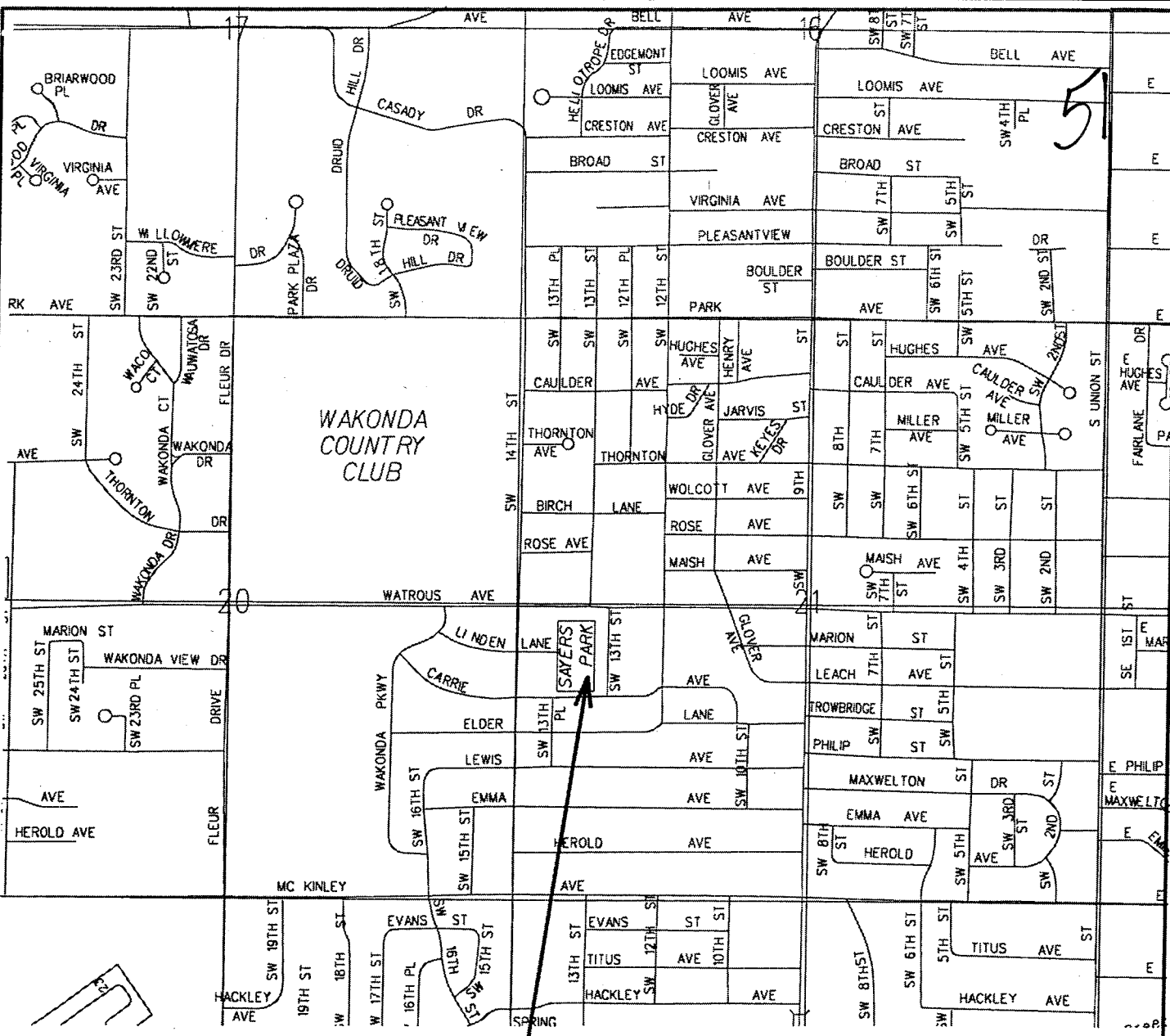
I would also request my bid security be returned.

Thank you,

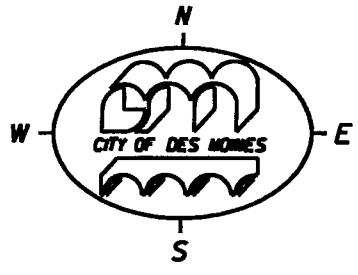


Sue Holcomb  
SKH Corporation  
3633 - 70<sup>th</sup> Street, Suite C  
Urbandale, IA 50322

515-276-6230 phone  
515-270-0301 fax  
515-556-6742 cell



**PROPERTY  
LOCATION**



**SAYERS PARK  
RESTROOM RENOVATION  
ACTIVITY I.D. 11-2006-024**

TABULATED BY: Project Engineer APPROVED BY: John F. McLean  
CHECKED BY: D. Lane

CONTRACTOR'S BID TABULATION  
PROJECT: Sayers Park Restroom Renovation

ESTIMATE

ITEM	DESCRIPTION	AMOUNT	SKH Urbandale, IA	Azcon, Inc. Grimes, IA	Johnson Concrete Des Moines, IA
Base Bid	Sayers Park Restroom Renovation, Complete as Specified.	\$85,000.00	BID SECURITY 10% \$71,996.00	BID SECURITY 10% \$79,900.00	BID SECURITY 10% \$88,622.00
	TOTAL BASE BID	\$85,000.00	\$71,996.00	\$79,900.00	\$88,622.00
Alternate No. 1	Change ceiling material from FRP on 1/2" plywood to epoxy coating on 1/2" cement board.	Add \$4,500.00	\$190.00	\$2,800.00	\$1,540.00
Alternate No. 2	Change new walls from painted CMU to ground face CMU with polyurethane coating.	Add \$1,000.00	\$3,694.00	\$6,300.00	\$6,000.00
	TOTAL BASE BID PLUS ANY ADD-ALTERNATES	\$90,500.00	\$75,880.00	\$89,000.00	\$96,162.00
	TOTAL BASE BID PLUS ALTERNATES SELECTED BY THE CITY	\$90,500.00	\$75,880.00	\$89,000.00	\$96,162.00
	PERCENT OF ENGINEER'S ESTIMATE		-16.15%	-1.66%	+6.26%
			BID WITHDRAWN BY BIDDER	Low	

DEPARTMENT OF ENGINEERING  
CITY OF DES MOINES, IOWA

Activity ID : 11-2006-024  
IDOT PROJ NO.: None  
Bid Date: 03/13/07

TABULATED BY: Project Engineer  
CHECKED BY: *[Signature]*

APPROVED BY: *[Signature: John H. McKee]*

CONTRACTOR'S BID TABULATION  
PROJECT: Sayers Park Restroom Renovation

-----ESTIMATE-----

ITEM	DESCRIPTION	AMOUNT	Bergstrom Des Moines, IA	Koester Grimes, IA
Base Bid	Sayers Park Restroom Renovation, Complete as Specified.	\$85,000.00	BID SECURITY 10% BID PRICE \$89,000.00	BID SECURITY 0% BID PRICE \$89,000.00
	TOTAL BASE BID	\$85,000.00	\$89,000.00	\$89,000.00
Alternate No. 1	Change ceiling material from FRP on 1/2" plywood to epoxy coating on 1/2" cement board.	Add \$4,500.00	\$600.00	
Alternate No. 2	Change new walls from painted CMU to ground face CMU with polyurethane coating.	Add \$1,000.00	\$8,000.00	
	TOTAL BASE BID PLUS ANY ADD-ALTERNATES	\$90,500.00	\$97,600.00	
	TOTAL BASE BID PLUS ALTERNATES SELECTED BY THE CITY PERCENT OF ENGINEER'S ESTIMATE	\$90,500.00	\$97,600.00 +7.85%	BID NOT READ. BIDDER FAILED TO SIGN BID BOND