

Date May 19, 2008

RESCIND PREVIOUS PRIVATE CONSTRUCTION CONTRACT APPROVAL
AND APPROVE NEW PRIVATE CONSTRUCTION CONTRACT
FOR BUILDING IMPROVEMENTS IN 100 45TH STREET
\$982,930.00

WHEREAS, on May 5, 2008, under Roll Call No. 08-771, the City Council approved a Private Construction Contract in the amount of \$982,930.00, between Nelson Construction Services, Michael K. Nelson, President, 1045 76th Street, Suite 2000, West Des Moines, IA, 50266 – as Contractor, and The Academy, 924 Polk Boulevard, Des Moines, IA, 50312 – as Owner, for construction of Building Improvements described as construction of tenant improvements by The Academy to the old Science Center Building located at 100 45th Street, Des Moines, IA, and granted permission to the parties to construct said Building Improvements subject to receipt of executed contracts, certificate of insurance, and performance, payment, and maintenance bonds acceptable to the Engineering and Legal Departments, and

WHEREAS, Nelson Construction Services and The Academy have failed to submit contracts and bonds to the City Engineer, and

WHEREAS, The Academy desires to change the contractor for said improvements from Nelson Construction Services to Baker Group, Bernard J. Baker III, President, 4224 Hubbell Avenue, Des Moines, IA, 50317-4508, subject to receipt of executed contracts, certificate of insurance, and performance, payment, and maintenance bonds, and owner bond or irrevocable letter of credit acceptable to the Engineering and Legal Departments, and

WHEREAS, before the City Council can approve the replacement contract it must rescind its previous action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the City Council hereby rescinds its action on May 5, 2008, under Roll Call No. 08-771, to approve contract in the amount of \$982,930.00 between Nelson Construction Services and The Academy.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract documents for a Private Construction Contract in the amount of \$982,930.00, between Baker Group, Bernard J. Baker III, President, 4224 Hubbell Avenue, Des Moines, IA, 50317-4508 – as Contractor, and The Academy, 924 Polk Boulevard, Des Moines, IA, 50312 – as Owner, for construction of Building Improvements described as construction of tenant improvements by The Academy to the old Science Center Building located at 100 45th Street, Des Moines, IA, including construction of classrooms and offices along with new mechanical systems and electrical upgrades on the first level only, installation of an automatic fire sprinkler

★ Roll Call Number

Agenda Item Number 8

Date May 19, 2008

on both levels of the building, and site work consisting of the addition of two ADA parking stalls and new sidewalks, be and the same are hereby approved subject to receipt of executed contracts, certificate of insurance, and performance, payment, and maintenance bonds, and owner bond or irrevocable letter of credit acceptable to the Engineering and Legal Departments.

BE IT FURTHER RESOLVED: That permission be and is hereby granted to the parties of said contract to construct said Building Improvements in accordance with the contract documents and subject to inspection and approval of the Des Moines City Engineer and subject to receipt of executed contracts, certificate of insurance, and performance, payment, and maintenance bonds, and owner bond or irrevocable letter of credit acceptable to the Engineering and Legal Departments.

Activity ID 11-2008-014

Moved by _____ to adopt.

FORM APPROVED:



 Ann DiDonato
 Assistant City Attorney

⌘ Funding Source: All project costs are to be paid by the Owner(s), The Academy

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VCLASSIS				
TOTAL				
MOTION CARRIED		APPROVED		
_____ Mayor				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, 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.

_____ City Clerk