

DATE May 21, 2007

PUBLIC HEARING, APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT DOCUMENTS, AND ENGINEER'S ESTIMATE ON PENNSYLVANIA AVENUE AND FILMORE STREET TRAFFIC SIGNAL INSTALLATION; RECEIVE AND FILE BIDS; AND DESIGNATION OF LOWEST RESPONSIVE, RESPONSIBLE BIDDER AS BAKER ELECTRIC, INC., BRITT BAKER, CEO, \$58,746.00

WHEREAS, on April 23, 2007, under Roll Call No. 07-724, 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:

Pennsylvania Avenue and Filmore Street Traffic Signal Installation, 04-2007-011

The improvement includes construction of a traffic signal in accordance with the contract documents including Plan File Nos. 472-118/122 at the intersection of Pennsylvania Avenue and Filmore Street, 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 May 8, 2007, sealed bids for said improvement were received and opened at a public meeting presided over by the Jurisdictional Engineer, and the bid received from Baker Electric, Inc., Britt Baker, CEO, 111 Jackson Avenue, Des Moines, IA, 50315, was read under advisement because Baker Electric, Inc. did not submit Pages 2 and 3 of the Proposal and Page 3 of the Proposal Attachment with its bid; and

WHEREAS, said Pages 2 and 3 of the Proposal include, General Bidder Acknowledgements, the Non-Collusion Affidavit, and Additional Requirements while Page 3 of the Proposal Attachment includes part of the Contract Compliance Program Requirements and General Additional Requirements; however, the bidder is not required to provide any information on any of these missing pages. Engineering Department Staff contacted Mr. John Layland, Executive Vice President, to verify that Baker Electric, Inc. would comply with these requirements. Mr. Layland stated that Baker Electric, Inc. would comply with the requirements as it has on previous projects with the City of Des Moines and that they inadvertently left the pages out when they copied the proposal from two-sided to one-sided. Within the past year, Baker Electric, Inc. has been awarded two other City of Des Moines contracts that included the same proposal requirements, and Baker Electric, Inc. did include said pages in its proposal on these two projects. Even though Baker Electric, Inc. did not return all the proposal sheets, Baker Electric, Inc. did complete and returned all the proposal sheets requiring information to be supplied by the bidder. The Engineering Department will include said missing pages in the contract documents to be signed by Baker Electric, Inc. After further review, the Engineering and Legal Departments have determined that this was a minority irregularity that could be waived by the City Council.

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.

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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 Baker Electric, Inc., waives said minor irregularity, and hereby receives the bid submitted by Baker Electric, Inc..

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

Baker Electric, Inc.	Des Moines, IA
	Bid read under advisement
The Waldinger Corporation	Des Moines, IA
	Bid read under advisement
Iowa Signal Inc.	Des Moines, IA

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 May 8, 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 Baker Electric, Inc., Britt Baker, CEO, 111 Jackson Avenue, Des Moines, IA, 50315 in the amount of \$58,746.00, 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**

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DATE May 21, 2007

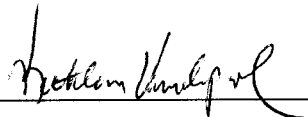
BE IT FURTHER RESOLVED: That the Jurisdictional Engineer is hereby directed to secure execution by the lowest responsible, responsive Bidder and its surety of the contract documents in the form heretofore approved by this Council; that the Jurisdictional Engineer is directed to thereafter present said 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 07-303 attached.)

Moved by _____ to adopt.


FORM APPROVED:

FUNDS AVAILABLE


 Kathleen Vanderpool
 Deputy City Attorney


 Allen McKinley
 Des Moines Finance Director

Funding Source: 2007-2008 CIP, Page Traffic-5, City-wide Signals, Channelization, and School Crossing Protection Program, TFC091, Various Funding, Being:
 50% of the construction cost (maximum of \$40,000) from the Des Moines Independent Community School District, and \$29,373 in G. O. Bonds



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

MOTION CARRIED APPROVED

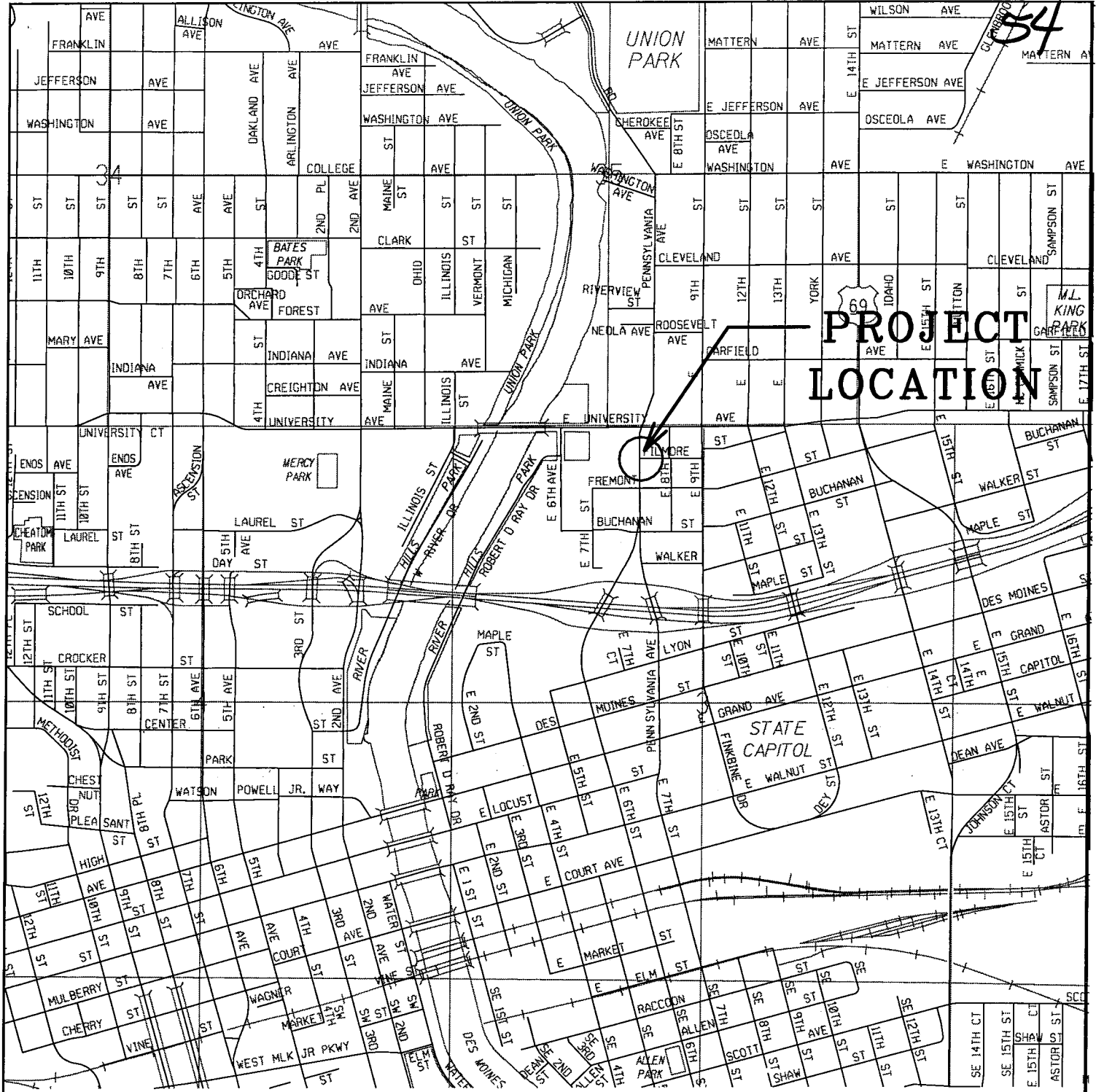
 Mayor

CERTIFICATE

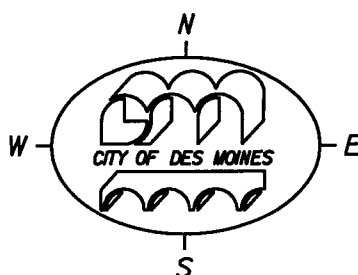
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

 City Clerk



**PROJECT
LOCATION**



**PENNSYLVANIA AVENUE AND FILMORE
STREET TRAFFIC SIGNAL INSTALLATION
ACTIVITY I.D. 04-2007-011**

TABULATED BY: S. Inman
CHECKED BY: JH

BID DATE: 5/8/07

APPROVED BY: John F. McKee

CONTRACTOR'S BID TABULATION
PROJECT: PENNSYLVANIA AVE. AND FILMORE ST. TRAFFIC SIGNALL INSTALLATION

-----ESTIMATE-----

ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	AMOUNT	Baker Electric, Inc. Des Moines, IA BID SECURITY	The Waldringer Corporation Des Moines, IA BID SECURITY	Iowa Signal Inc. Des Moines, IA BID SECURITY
1	Traffic Signals, Furnish & Install, Complete as Specified.	1	LS	\$79,500.00	\$79,500.00	BID PRICE 10 % Bid Bond UNIT PRICE	BID PRICE 10 % Bid Bond UNIT PRICE	BID PRICE 10 % Bid Bond UNIT PRICE
2	Small Project Sign	1	EA	\$500.00	\$500.00	\$58,496.00 \$250.00	\$65,266.00 \$150.00	\$79,012.07 \$200.00
TOTAL CONSTRUCTION COST					\$80,000.00	\$58,746.00 -26.57% Low	\$65,416.00 -11.35%	\$79,212.07 -0.99%
PERCENT OF ENGINEER'S ESTIMATE						Bid read under advisement: Proposal Page 2 & 3 Proposal Attach. Page 3 Missing	Bid read under advisement: Proposal Attach. Page 3 missing	

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