

DATE July 10, 2006

PUBLIC HEARING, APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT DOCUMENTS, AND ENGINEER'S ESTIMATE ON CLOVER HILL TRUNK SANITARY SEWER - PHASE 2; RECEIVE AND FILE BIDS; AND DESIGNATION OF LOWEST RESPONSIBLE, RESPONSIVE BIDDER AS THE UNDERGROUND COMPANY, LTD., DUANE BURKHARDT, PRESIDENT, \$605,208.00

WHEREAS, on June 5, 2006, under Roll Call No. 06-1074, 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:

Clover Hill Trunk Sanitary Sewer - Phase 2, 07-2006-007

The improvement includes construction of approximately 1328 LF of 8" sanitary sewer, 1995 LF of 10" sanitary sewer, and 1154 LF of 15" sanitary sewer, including approximately 570 LF of tunneling and encasement, surface restoration, and other related items, all in accordance with the contract documents including Plan File Nos. 462-94/118; and located on the south side of Des Moines near the intersection of IA 5 Highway and SW 9th Street.

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 June 27, 2006, 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 The Underground Company, Ltd., Duane Burkhardt, President, 12245 Dakota Street, Carlisle, IA, 50047, was read under advisement because Proposal Attachment: Part F - Additional Requirements, Item 1 - Identity of Subcontractors was not properly completed in that The Underground Company, Ltd. checked the box to indicate that the Bidder does not intend to utilize subcontractors; however, The Underground Company, Ltd. did list one subcontractor in the space provided on the proposal to identify its subcontractors; and

WHEREAS, The Underground Company, Ltd. did list one subcontractor (Iowa Trenchless, PO Box 846, Panora, IA in the amount of \$132,000) in the space provided on the proposal attachment to identify its subcontractors, and Engineering Department Staff has contacted Mr. Chris Burkhardt, Vice President, of The Underground Company, Ltd. who stated that he inadvertently checked the wrong box on the proposal form and that The Underground Company, Ltd. fully intends to use subcontractors; and after further review, the Legal Department has determined that this was a minority irregularity that could be waived.

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 The Underground Company, Ltd., waives said minor irregularity, and hereby receives the bid submitted by The Underground Company, Ltd..

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

The Underground Company, Ltd.	Carlisle, IA Bid read under advisement
McAninch Corporation	West Des Moines, IA
Synergy Contracting LLC	Ankeny, IA Bid read under advisement
H & W Contracting LLC	Sioux Falls, SD
Holland Contracting Corp.	Forest City, IA
Rasch Construction Inc.	Fort Dodge, IA
Cooper Excavating, Inc.	Ames, 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 June 27, 2006. 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 responsible, responsive bid for the construction of said improvement was submitted by The Underground Company, Ltd., Duane Burkhardt, President, 12245 Dakota Street, Carlisle, IA, 50047 in the amount of \$605,208.00, 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.

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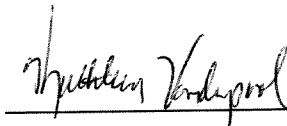
BE IT FURTHER RESOLVED: That the Jurisdictional Engineer is hereby directed to secure execution by the lowest responsible, responsive Bidder and its surety of the contract documents in the form heretofore approved by this Council; that the Jurisdictional Engineer is directed to thereafter present said 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 06-440 attached.)

Moved by _____ to adopt.

FORM APPROVED:

FUNDS AVAILABLE





Kathleen Vanderpool
Deputy City Attorney

Allen McKinley
Acting Des Moines Finance Director

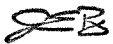
Funding Source: 2006-2007 CIP, Page Sanitary-7, Clover Hill Trunk Sanitary Sewer, SAE121, Sanitary Sewer Funds

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

MOTION CARRIED

APPROVED

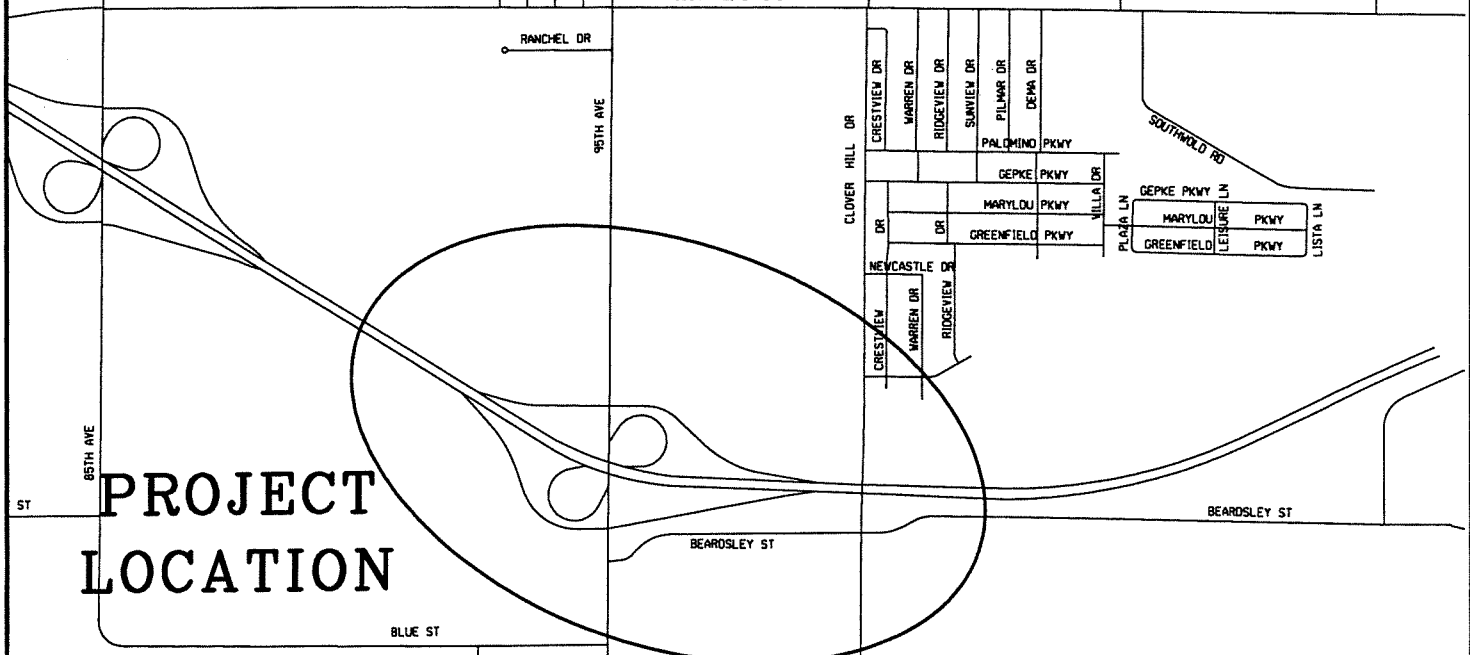
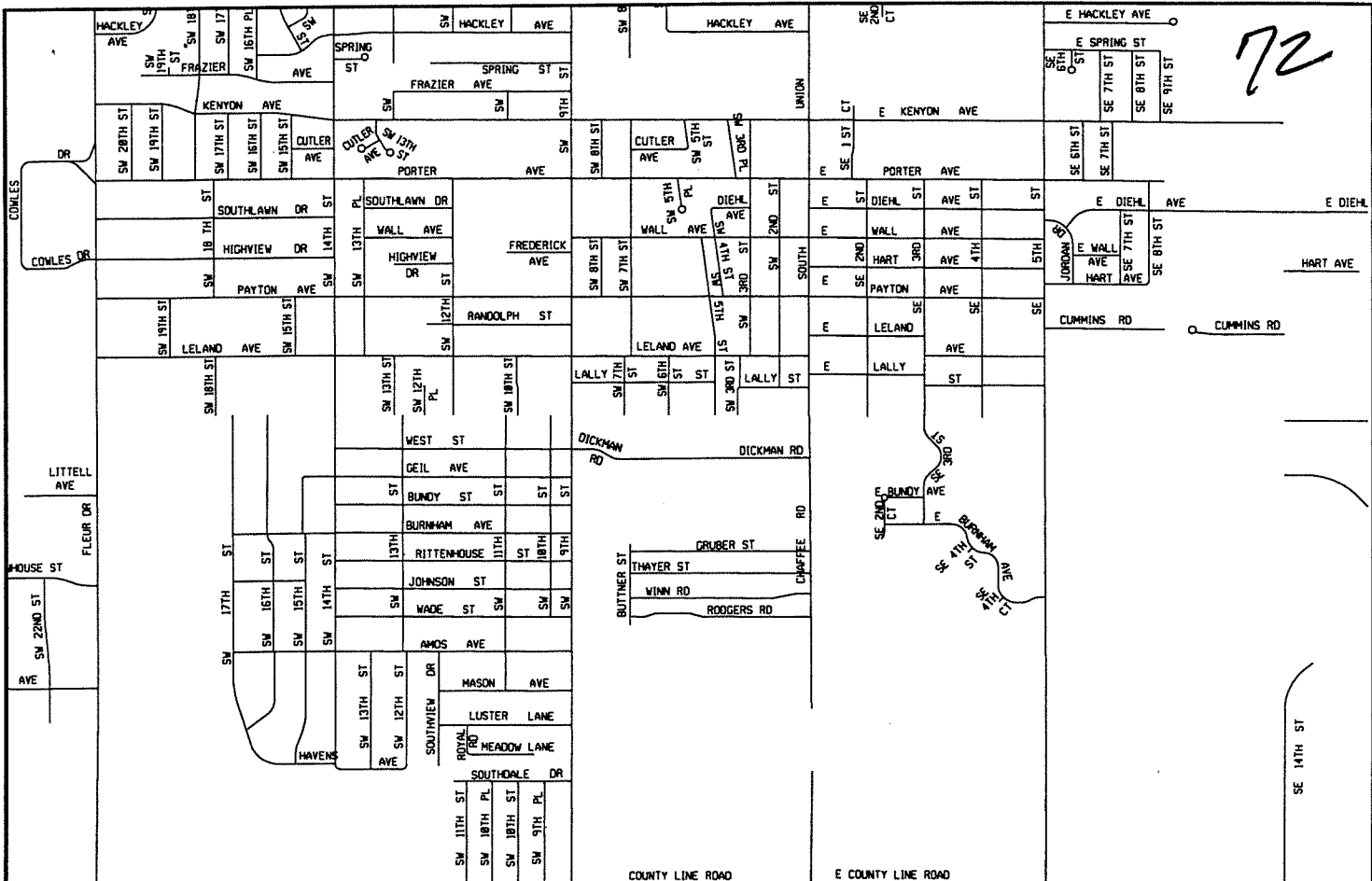
Mayor

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.

City Clerk

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**PROJECT
LOCATION**

**CLOVER HILL TRUNK
SANITARY SEWER PHASE 2
ACTIVITY I.D. 07-2006-007**

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