

DATE September 11, 2006

PUBLIC HEARING, APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT DOCUMENTS, AND ENGINEER'S ESTIMATE ON 2007 SIDEWALK REPLACEMENT PROGRAM - CONTRACT 1; RECEIVE AND FILE BIDS; AND DESIGNATION OF LOWEST RESPONSIBLE, RESPONSIVE BIDDER AS TI-ZACK CONCRETE, INC., STEVE J. RUTT, PRESIDENT, \$134,170.00

WHEREAS, on August 7, 2006, under Roll Call No. 06-1553, 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:

2007 Sidewalk Replacement Program - Contract 1, 09-2007-001

The improvement includes reconstruction of Class A and Class B Portland Cement Concrete sidewalks four (4) inches thick, (six (6) inches thick at driveways), together with all appurtenances; in accordance with the contract documents at various locations City-wide. Sidewalks will be replaced at locations inspected by the Public Works Department. Handicapped accessible ramps will also be constructed in the vicinity where sidewalks will be replaced.

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 August 29, 2006, sealed bids for said improvement were received and opened at a public meeting presided over by the City Engineer, and the bid received from Ti-Zack Concrete, Inc., Steve J. Rutt, President, 39352 221st Avenue, LeCenter, Mn., 56057, was read under advisement because Ti-Zack Concrete, Inc., did not include its Public Registration Number on Proposal Part G – Identity of Bidder as required. Proposal Part G states that failure to provide said number will result in the bid being read under advisement, and a contract will not be executed until the Contractor is registered with the Iowa Department of Labor.

Whereas, Engineering Department Staff have contacted Ti-Zack Concrete, Inc., and determined that Ti-Zack Concrete, Inc.'s Public Registration Number is 04144-06, which Staff has verified with the Iowa Department of Labor; and after further review, the Engineering and Legal Departments have 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.

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 Ti-Zack Concrete, Inc., waives said minor irregularity, and hereby receives the bid submitted by Ti-Zack Concrete, Inc..

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

Ti-Zack Concrete, Inc.	LeCenter, Mn
	Bid read under advisement
P. G. Construction 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 August 29, 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 Ti-Zack Concrete, Inc., Steve J. Rutt, President, 39352 221st Avenue, LeCenter, Mn, 56057 in the amount of \$134,170.00, and said bid be and the same is hereby accepted.

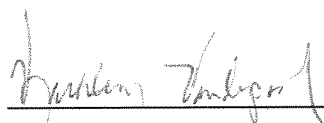
BE IT FURTHER RESOLVED: That the bid security of the unsuccessful bidders be and is hereby authorized and directed to be returned.

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 06-584 attached.)

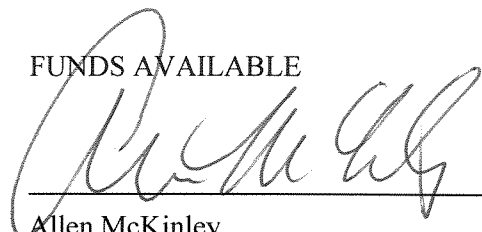
Moved by \_\_\_\_\_ to adopt.

FORM APPROVED:



Kathleen Vanderpool  
Deputy City Attorney

FUNDS AVAILABLE



Allen McKinley  
Des Moines Finance Director

Funding Source: 2006-2007 CIP, Page Sidewalk-4, City-wide Sidewalk Replacement - Public Works, STR084,  
Being:  
FY 2006-2007 G. O. Bonds

★ **Roll Call Number**

**Agenda Item Number**

70

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*DEB*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
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

