

DATE September 22, 2008

PUBLIC HEARING, APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT
DOCUMENTS, AND ENGINEER'S ESTIMATE ON
JOHN & MARY PAPPAJOHN SCULPTURE PARK;
RECEIVE AND FILE BIDS; AND DESIGNATION OF LOWEST RESPONSIVE, RESPONSIBLE
BIDDER AS PINNACLE CONSTRUCTION GROUP, LLC, SHANE E. MADISON, PRESIDENT, \$2,014,500.00

WHEREAS, on August 11, 2008, under Roll Call No. 08-1399, 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:

John & Mary Pappajohn Sculpture Park, 11-2008-011

The John & Mary Pappajohn Sculpture Park project includes the reconstruction of two square blocks of the Western Gateway Park into an outdoor art gallery in which numerous pieces of art and sculptures will be permanently displayed. This project includes construction of four earth berms, three with reinforced PCC retaining walls with hand rails, various sculpture foundations, sculpture signs, park lighting and electrical, PCC paths, electrical transformer relocation, water meter, water fountain and backflow preventer relocation, subdrain system, irrigation system, bike racks and park benches installation, landscaping and sod installation; along with the necessary grading, earthwork, construction surveying, removals, salvage and relocations, NPDES permitting, mobilization, site security, and traffic control, and any of the add or deduct alternates selected by the City of Des Moines to be part of this contract. All work shall be in accordance with the contract documents, including Plan File Nos. 476-051/080, on the project site, which is bounded by Grand Avenue on the north, 13th Street on the east, Locust Street on the south, and 15th Street on the west, in 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 September 9, 2008, 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 Pinnacle Construction Group, LLC, Shane E. Madison, President, 10626 Justin Drive, Urbandale, IA, 50322, was read under advisement because Proposal Attachment: Part F - Additional Requirements, Item 1 - Identity of Subcontractors was not properly completed in that Pinnacle Construction Group, LLC checked the box to indicate that it intends to utilize subcontractors over \$25,000, and did list the proposed subcontractors in the space provided, however, failed to identify the value of the work to be assigned to each subcontractor; and

WHEREAS, Staff contacted Pinnacle Construction Group, LLC after the bid opening on September 9, 2008, to request a list of the value of the work to be assigned to each proposed subcontractor and Shane Madison, President of Pinnacle Construction Group, LLC, emailed a signed letter at 3:15 p.m. on September 9, 2008, with a listing of six proposed subcontractors over \$25,000 and the value of the work to be assigned to each subcontractor that should have been listed on its Proposal Attachment: Part F - Additional Requirements, Item 1 - Identity of Subcontractors; and after further review, the Legal Department has determined that this was a minor irregularity that could be waived.

DATE September 22, 2008

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 Pinnacle Construction Group, LLC, waives said minor irregularity, and hereby receives the bid submitted by Pinnacle Construction Group, LLC.

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

Pinnacle Construction Group, LLC	West Des Moines, IA
	Bid read under advisement
Rochon Corporation of Iowa, Inc.	Urbandale, IA
	Bid read under advisement
Larson & Larson Construction LLC	Urbandale, IA
The Weitz Company, LLC	Des Moines, IA
Neumann Brothers, 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 September 9, 2008. 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 Pinnacle Construction Group, LLC, Shane E. Madison, President, 10626 Justin Drive, Urbandale, IA, 50322, in the amount of \$2,014,500.00, 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 September 22, 2008

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 **09-574** attached.)

Moved by _____ to adopt.

FORM APPROVED:

FUNDS AVAILABLE

Ann DiDonato

Allen McKinley

Ann DiDonato
Assistant City Attorney

Allen McKinley
Des Moines Finance Director

Funding Source: 2008-2009 CIP, Page Parks-17, Pappajohn Sculpture Garden, PKS169, Being:

DEB

\$1,000,000 grant approved May 14, 2008 by the Vision Iowa Board (Vision Iowa No. 08-VI-002),

- \$100,000 contribution from Polk County,
- \$300,000 Prairie Meadows Legacy Grant, and
- the remainder being privately funded with collection and disbursement of the private funds by the Greater Des Moines Community Foundation.

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

MOTION CARRIED

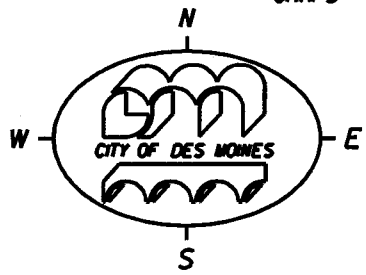
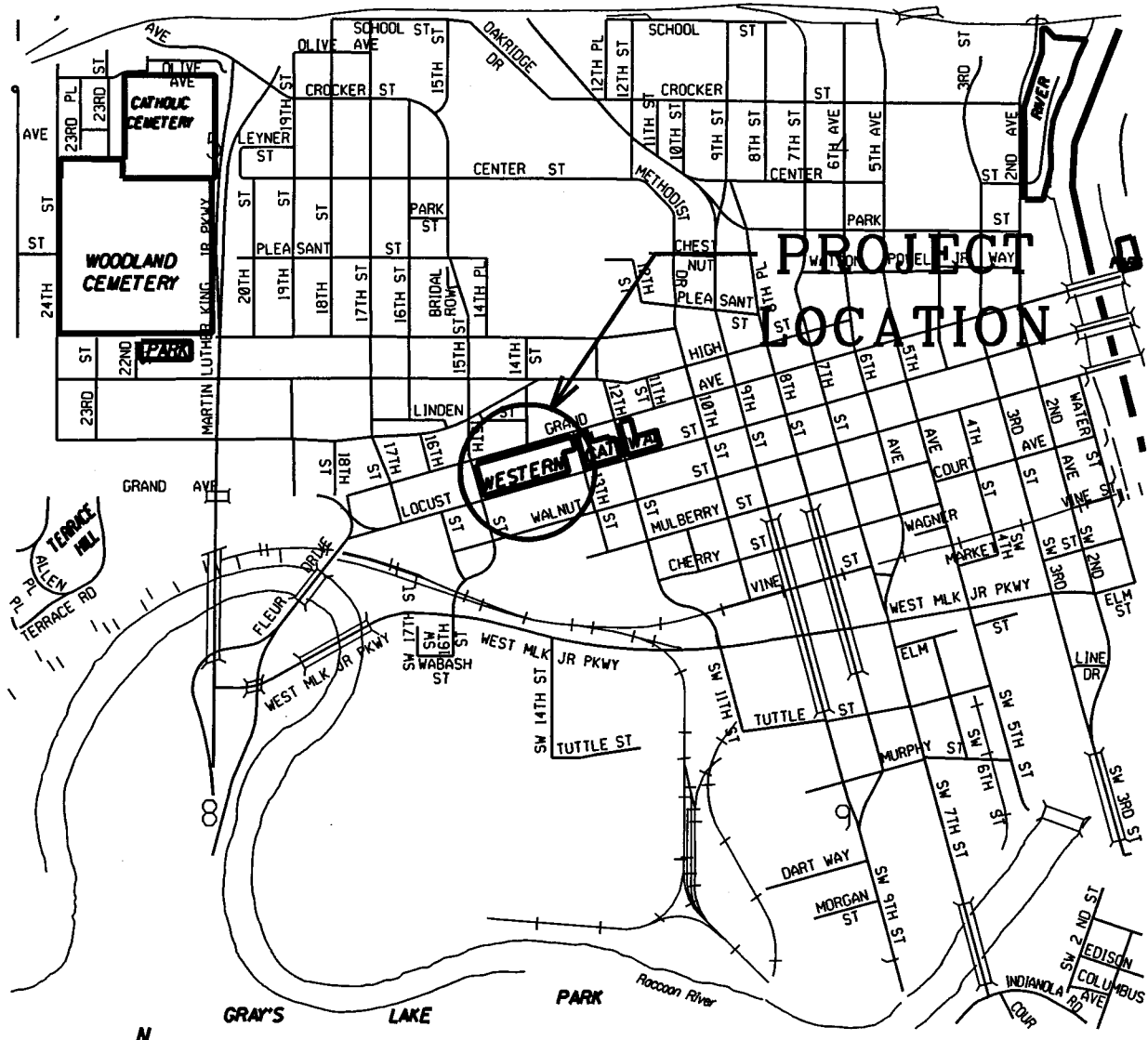
APPROVED

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



JOHN & MARY PAPPAJOHN
 SCULPTURE PARK
 ACTIVITY ID 11-2008-011

sf11e-dates

TABULATED BY: *Eugene Schmitt*
CHECKED BY: *Andrew J. Wilford* APPROVED BY: *Dennis Larson*

CONTRACTOR'S BID TABULATION
PROJECT: John & Mary Pappajohn Sculpture Park

-----ESTIMATE-----		AMOUNT
ITEM	DESCRIPTION	AMOUNT
Base Bid	Pappajohn Sculpture Park, Complete	\$2,591,500.00
Completion Bonus	June 1, 2009, Early Completion Bonus	\$50,000.00
TOTAL BASE BID		\$2,641,500.00
Add Alternate No. 1	Donor Plaza, Landscaping, Lighting & PCC	\$22,500.00
Add Alternate No. 2	Exposed Aggregate, PCC Paths & Plaza	\$30,000.00
Deduct Alternate No. 1	Concrete Walls, Construct Vertical	\$190,000.00
TOTAL BASE BID PLUS ANY ADD-ALTERNATES		\$2,694,000.00
TOTAL BASE BID PLUS ALTERNATES SELECTED BY THE CITY PERCENT OF ENGINEER'S ESTIMATE		\$2,694,000.00

AMOUNT	Pinnacle Construction West Des Moines, IA	Rochon Corp. Urbandale, IA	Larson & Larson Construction Urbandale, IA
BID PRICE	BID SECURITY 10% Bid Bond	BID SECURITY 10% Bid Bond	BID SECURITY 10% Bid Bond
\$1,849,500.00	\$2,205,000.00	\$2,340,000.00	\$2,390,000.00
\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
\$1,899,500.00	\$2,255,000.00	\$2,390,000.00	\$2,390,000.00
\$14,000.00	\$13,000.00	\$18,000.00	\$18,000.00
\$101,000.00	\$145,000.00	\$150,000.00	\$150,000.00
\$240,000.00	\$240,000.00	\$240,000.00	\$240,000.00
\$2,014,500.00	\$2,413,000.00	\$2,558,000.00	\$2,558,000.00
-25.22%	-10.43%	-5.05%	
LOW			

Bid read under advisement. Bid read under advisement.
Bidder did not fully Bidder did not fully
complete Part F, Item 1, complete Part F, Item 1,
Identity of Subcontractors. Identity of Subcontractors.

TABULATED BY: Eugene Schmitt
CHECKED BY: *[Signature]*

APPROVED BY: *[Signature]*

CONTRACTOR'S BID TABULATION

PROJECT: John & Mary Pappajohn Sculpture Park

ESTIMATE		ITEM	DESCRIPTION	AMOUNT	Neumann Brothers Des Moines, IA	Weitz Co. Des Moines, IA
		Base Bid	Pappajohn Sculpture Park, Complete	\$2,591,500.00	BID SECURITY 10% Bid Bond	BID SECURITY 10% Bid Bond
		Completion Bonus	June 1, 2009, Early Completion Bonus	\$50,000.00	BID PRICE	BID PRICE
		TOTAL BASE BID		\$2,641,500.00	AMOUNT	AMOUNT
		Add Alternate No. 1	Donor Plaza, Landscaping, Lighting & PCC	\$22,500.00	\$3,288,000.00	\$10,900.00
		Add Alternate No. 2	Exposed Aggregate, PCC Paths & Plaza	\$30,000.00	\$50,000.00	\$145,500.00
		Deduct Alternate No. 1	Concrete Walls, Construct Vertical	\$190,000.00	\$3,338,000.00	\$540,000.00
		TOTAL BASE BID PLUS ANY ADD-ALTERNATES		\$2,694,000.00	\$3,494,400.00	\$3,494,400.00
					+29.71%	+12.15%
		TOTAL BASE BID PLUS ALTERNATES SELECTED BY THE CITY				
		PERCENT OF ENGINEER'S ESTIMATE				