

DATE September 22, 2008

APPROVAL OF CONTRACT AND BOND
AND PERMISSION TO SUBLET ON
JOHN & MARY PAPPAGJOHN SCULPTURE PARK
\$2,014,500.00

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$2,014,500.00, executed by Pinnacle Construction Group, LLC, Shane E. Madison, President, 10626 Justin Drive, Urbandale, IA, 50322 dated September 22, 2008, 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.

the same to be performed in accordance with the plans and specifications which have been heretofore approved by this Council, be and the same are hereby approved. The attached "Contractor's Anticipated DBE/TSB Utilization" shows the Contractor's efforts to solicit DBE/TSB Participation in accordance with the Disadvantaged Business Enterprise/Targeted Small Business (DBE/TSB) Program.

BE IT FURTHER RESOLVED: That the Mayor be and is hereby authorized and directed to execute said contract on behalf of the City of Des Moines, and the City Clerk, be and is hereby authorized and directed to attest to same. 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.

BE IT FURTHER RESOLVED: That after said contract has been executed by the Mayor, the City Clerk be and is hereby authorized and directed to return the Contractor's bid security.

★ Roll Call Number

Agenda Item Number

51 A


DATE September 22, 2008

BE IT FURTHER RESOLVED: That the attached communication from said Contractor requesting permission to sublet designated items and the attached Permission to Sublet form, be and are hereby approved subject to each subcontractor's compliance with the City of Des Moines Contract Compliance Program. The City Manager is hereby directed to sign said Permission to Sublet form granting permission for said listed subcontractor to work on said improvement upon each subcontractor's compliance with the City of Des Moines Contract Compliance Program as monitored by the Engineering Department.

BE IT FURTHER RESOLVED: That the Des Moines Finance Director is hereby authorized to encumber this contract amount against the funds as identified below, and to acquire Builder's Risk Insurance, if appropriate, for the above referenced improvement.

Moved by _____ to adopt.

FORM APPROVED Ann DiDonato
 Ann DiDonato
 Assistant City Attorney

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

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

Department of Engineering
City of Des Moines, Iowa



CONTRACTOR'S ANTICIPATED DBE/TSB UTILIZATION

John & Mary Pappajohn Sculpture Park

Activity ID 11-2008-011

On September 9, 2008, Pinnacle Construction Group, LLC, Shane E. Madison, President, 2159 Grand Avenue, West Des Moines, IA 50265 submitted a proposal for construction of the John & Mary Pappajohn Sculpture Park, Activity ID 11-2008-011, which the City Council has determined to be the lowest responsible, responsive bid for said project in the amount of \$2,014,500.00. The proposal included a statement that the Disadvantaged Business Enterprise/Targeted Small Business (DBE/TSB) Program shall not apply to this project.

The Engineering Department has prepared this report summarizing the information that Pinnacle Construction Group, LLC, has submitted indicating that it anticipates utilizing the following DBE/TSB companies on this project:

| <u>DBE/TSB Name</u> | <u>Description of Work</u> | <u>Estimated Amount</u> |
|---------------------|---|-------------------------|
| None | N/A | \$0.00 |
| | Estimated DBE/TSB Participation | \$0.00 |
| | Pinnacle Construction Group, LLC Amount | \$2,014,500.00 |
| | Percentage of DBE/TSB Participation | 0.00% |