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DATE October 9, 2006

PUBLIC HEARING, APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT DOCUMENTS, AND ENGINEER'S ESTIMATE ON LOCAL FLOOD PROTECTION LEVEE CLOSURES; RECEIVE AND FILE BIDS; AND DESIGNATION OF LOWEST RESPONSIBLE, RESPONSIVE BIDDER AS L-M VENTURE CORPORATION, INC., LEROY MCGARITY, PRESIDENT, \$71,269.55

WHEREAS, on September 11, 2006, under Roll Call No. 06-1736, 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:

Local Flood Protection Levee Closures, 04-2005-002

The improvement includes construction of four permanent levee closures where openings in the levee exist and are no longer needed due to abandonment of railroad tracks or public streets. The work includes approximately 1000 cubic yards of excavation, 1200 cubic yards of impervious fill, surface restoration and other related items, all in accordance with the contract documents including Plan File No. 465-014/021. The four sites of the closures are located near the confluence of the Raccoon River and the Des Moines River.

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 26, 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 L-M Venture Corporation, Inc., Leroy McGarity, President, 7 Ellefson Drive, Desoto, Iowa, 50069, was read under advisement because Proposal Attachment: Part G – Identity of Bidder was not properly completed in that Maricel P. Burley, the Notary that notarized the proposal submitted by L-M Venture Corporation, Inc., entered on the proposal that the notary commission expires on May 9, 2006, which would mean that the commission had expired and the notarization would not be valid; and

WHEREAS, the Engineering Department has investigated the status of Maricel P. Burley's notary commission on the Secretary of State's Office website and determined that May 9, 2006 is the date Maricel P. Burley's notary commission was renewed which will not expire until May 9, 2009; therefore, Maricel P. Burley is a commissioned notary and the notarization on the proposal is valid; and after further review, the Legal Department has determined that this was a minor 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 L-M Venture Corporation, Inc., waives said minor irregularity, and hereby receives the bid submitted by L-M Venture Corporation, Inc..



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

- | | |
|--|---|
| L-M Venture Corporation, Inc. | Desoto, IA, Bid read under advisement – see bid tabulation. |
| Sheets Excavating, Ltd. | Montezuma, IA |
| Reilly Construction Co., Inc. & Affiliates | Ossian, IA |
| CAC Incorporated | Urbandale, 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 26, 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 L-M Venture Corporation, Inc., Leroy McGarity, President, 7 Ellefson Drive, Desoto, IA, 50069 in the amount of \$71,269.55, 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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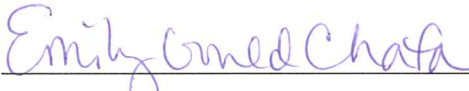
BE IT FURTHER RESOLVED: That the Jurisdictional Engineer is hereby directed to secure execution by the lowest responsible, responsive Bidder and its surety of the contract documents in the form heretofore approved by this Council; that the Jurisdictional Engineer is directed to thereafter present said 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.

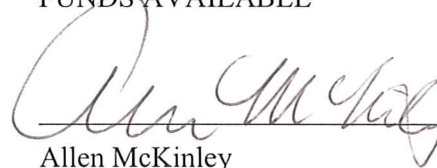
(City Council Communication Number 06-648 attached.)

Moved by _____ to adopt.

FORM APPROVED:

FUNDS AVAILABLE





Emily Gould Chafa
Assistant City Attorney

Allen McKinley
Des Moines Finance Director

Funding Source: 2006-2007 CIP, Page Storm-11, Flood Protection System Improvements, FLD008, Storm Water Utility Funds



COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLISSIS				
TOTAL				
MOTION CARRIED	APPROVED			

CERTIFICATE

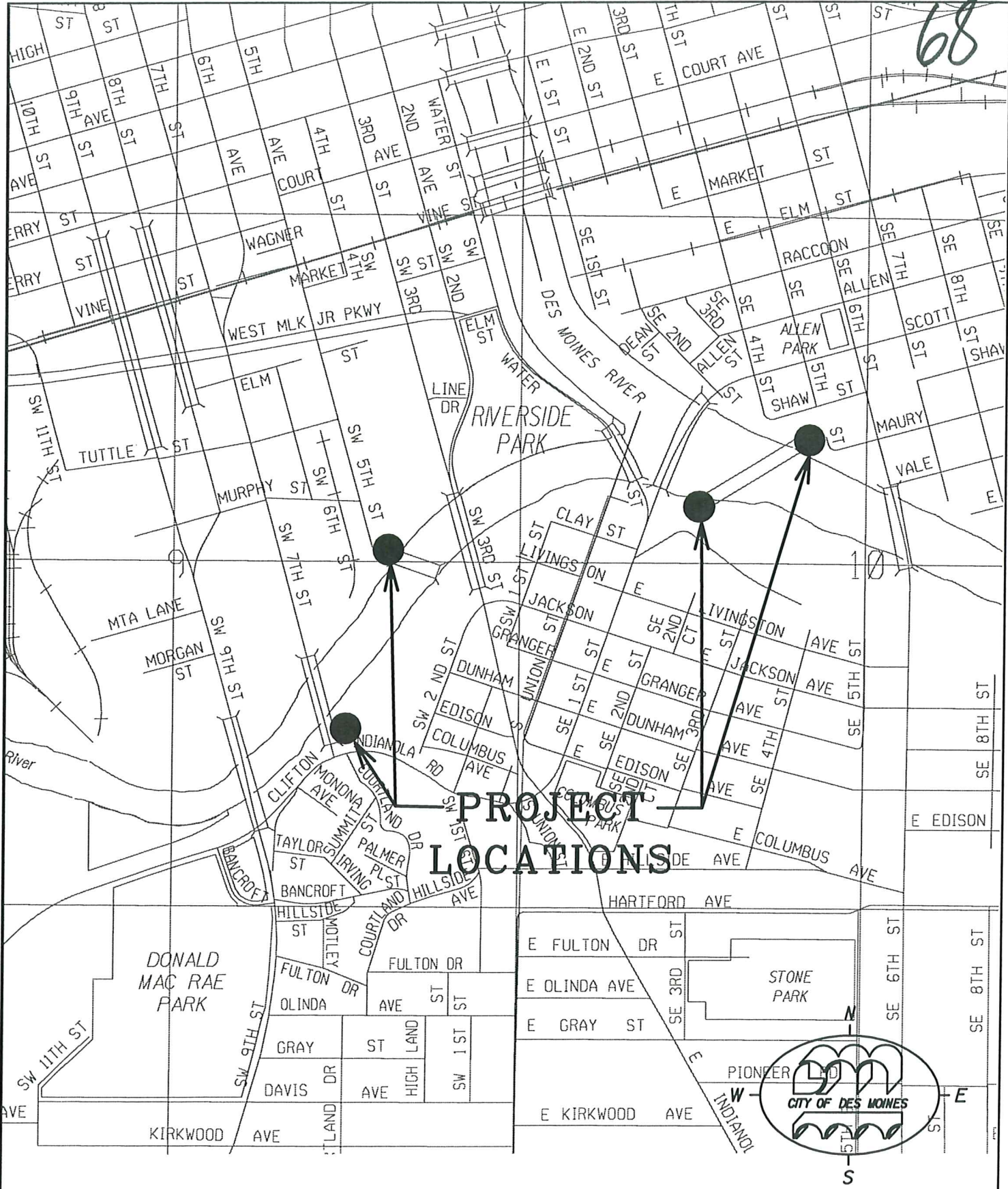
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

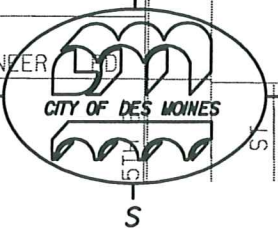
Mayor

City Clerk

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PROJECT LOCATIONS



**LOCAL FLOOD PROTECTION
LEVEE CLOSURE
ACTIVITY I.D. 04-2005-002**

T:\ENG\Design\04\2005\002\Drawings\Loc_Map\LOC_MAP.DGN 31-AUG-2006 14:47

TABULATED BY: Charles A Lepak APPROVED BY: *John F. Walker*
CHECKED BY: *[Signature]*

CONTRACTOR'S BID TABULATION
PROJECT: LOCAL FLOOD PROTECTION LEVEE CLOSURES
-----ESTIMATE-----

ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
1	Topsoil, Salvage, Stockpile and Spread	100 CY	\$12.00	\$1,200.00
2	Excavation, Class 10	1200 CY	\$16.50	\$19,800.00
3	Select Borrow, Imported	1150 CY	\$24.00	\$27,600.00
4	Topsoil, Furnish and Spread	100 CY	\$20.00	\$2,000.00
5	6" HMA Trail, Commercial Mix (Including Asphalt Binder)	95 SY	\$100.00	\$9,500.00
6	Removal of Concrete	280 SY	\$25.00	\$7,000.00
7	Removal of HMA Trail	95 SY	\$10.00	\$950.00
8	Removal of Railroad Rails, Ties and Ballast	120 LF	\$100.00	\$12,000.00
9	Removal of Railroad Ballast	100 CY	\$15.00	\$1,500.00
10	Fence, Safety	600 LF	\$8.00	\$4,800.00
11	Traffic Control Devices	2 EACH	\$500.00	\$1,000.00
12	Mobilization	1 LS	\$15,000.00	\$15,000.00
13	Flood Protection Plan, Part A	1 LS	\$2,000.00	\$2,000.00
14	Flood Protection Plan, Part B	2 EACH	\$2,500.00	\$5,000.00
15	Mulch	1 ACRE	\$1,000.00	\$1,000.00
16	Seed and Fertilize, Urban	1 ACRE	\$2,000.00	\$2,000.00
17	Silt Fence	500 LF	\$3.50	\$1,750.00

TOTAL CONSTRUCTION COST \$114,100.00

PERCENT OF ENGINEER'S ESTIMATE -37.54%
Low

L-M Ventures Corporation, Inc. De Soto, IA		Sheets Excavating, Ltd. Montezuma, IA		Reilly Construction Company, Inc. Ossian, IA		CAC, Inc. Urbandale, IA		
BID SECURITY 10% Bid Bond BID PRICE	UNIT PRICE	AMOUNT	BID SECURITY 10% Bid Bond BID PRICE	UNIT PRICE	AMOUNT	BID SECURITY 10% Bid Bond BID PRICE	UNIT PRICE	AMOUNT
\$4.25	\$4.25	\$425.00	\$9.50	\$950.00	\$25.00	\$2,500.00	\$15.00	\$1,500.00
\$3.75	\$3.75	\$4,500.00	\$12.00	\$14,400.00	\$25.00	\$30,000.00	\$20.00	\$24,000.00
\$18.50	\$18.50	\$21,275.00	\$27.50	\$31,625.00	\$25.00	\$28,750.00	\$15.00	\$17,250.00
\$29.00	\$29.00	\$2,900.00	\$18.00	\$1,800.00	\$25.00	\$2,500.00	\$20.00	\$2,000.00
\$28.94	\$28.94	\$2,749.30	\$99.00	\$9,405.00	\$75.00	\$7,125.00	\$90.00	\$8,550.00
\$2.00	\$2.00	\$560.00	\$19.50	\$5,460.00	\$6.15	\$1,722.00	\$30.00	\$8,400.00
\$6.75	\$6.75	\$641.25	\$7.00	\$655.00	\$6.15	\$584.25	\$8.00	\$760.00
\$7.50	\$7.50	\$900.00	\$45.00	\$5,400.00	\$25.00	\$3,000.00	\$120.00	\$14,400.00
\$3.10	\$3.10	\$310.00	\$6.50	\$650.00	\$15.00	\$1,500.00	\$20.00	\$2,000.00
\$24.89	\$24.89	\$14,934.00	\$6.00	\$3,600.00	\$4.25	\$2,550.00	\$10.00	\$6,000.00
\$375.00	\$375.00	\$750.00	\$250.00	\$500.00	\$100.00	\$200.00	\$750.00	\$1,500.00
\$10,000.00	\$10,000.00	\$10,000.00	\$4,900.00	\$4,900.00	\$5,000.00	\$5,000.00	\$17,500.00	\$17,500.00
\$500.00	\$500.00	\$500.00	\$2,000.00	\$2,000.00	\$1,000.00	\$1,000.00	\$6,000.00	\$6,000.00
\$4,000.00	\$4,000.00	\$8,000.00	\$2,500.00	\$5,000.00	\$4,500.00	\$9,000.00	\$2,000.00	\$4,000.00
\$475.00	\$475.00	\$475.00	\$650.00	\$650.00	\$900.00	\$900.00	\$1,000.00	\$1,000.00
\$800.00	\$800.00	\$800.00	\$1,750.00	\$1,750.00	\$2,400.00	\$2,400.00	\$2,800.00	\$2,800.00
\$3.10	\$3.10	\$1,550.00	\$3.00	\$1,500.00	\$2.20	\$1,100.00	\$3.00	\$1,500.00
TOTAL CONSTRUCTION COST		\$114,100.00	TOTAL CONSTRUCTION COST		\$99,831.25	TOTAL CONSTRUCTION COST		\$119,160.00
PERCENT OF ENGINEER'S ESTIMATE		-37.54%	PERCENT OF ENGINEER'S ESTIMATE		-20.90%	PERCENT OF ENGINEER'S ESTIMATE		+4.43%
		Low						
		Bid Read Under Advisement: Irregularity in Notarization of Proposal						

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