

DATE October 22, 2007

APPROVAL OF CONTRACT AND BOND
AND PERMISSION TO SUBLET ON
DEAN'S LAKE STORM WATER PUMP STATION
\$ 2,544,865.00

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$2,544,865.00, executed by Herberger Construction Co., Inc., Dean Herberger, President, 2508 West 2nd Avenue, Indianola, IA, 50125 dated October 22, 2007, for the construction of the following improvement:

Dean's Lake Storm Water Pump Station, 08-2006-007

The improvement includes construction of a storm water pump station, inlet headwall, outlet headwall, 54" diameter storm sewer construction and miscellaneous associated work including cleanup and other incidental items; in accordance with the contract documents, including Plans File Nos. 478-038/070, and located south of Maury Street at the Des Moines River Levee and west of the Wastewater Reclamation Facility Biosolids Storage Facility

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 the City Clerk be and is hereby authorized and directed to return the Contractor's bid security.

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.

★ **Roll Call Number**

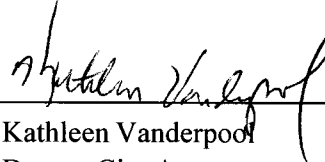
Agenda Item Number

SOA

DATE October 22, 2007

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 
 Kathleen Vanderpool
 Deputy City Attorney

DFB Funding Source: 2007-2008 CIP, Page Storm-8, Dean's Lake Pump Station Improvements, STE080, Being: Storm Water Utility Funds with a transfer of \$320,000 in Storm Water Utility Funds from Page Storm-17, Twelfth Street Storm Sewer, STE076, a transfer of \$80,000 in Storm Water Utility Funds from Page Storm-13, Leetown Creekway - Outlet Improvements, STE075, and a transfer of \$30,000 in Storm Water Utility Funds from Page Storm-16, Twana/Bel-Aire Storm Sewer Improvements, STE079.

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



CONTRACTOR'S ANTICIPATED DBE/TSB UTILIZATION

Dean's Lake Storm Water Pump Station

Activity ID 08-2006-007

On October 9, 2007, Herberger Construction Co., Inc., Dean Herberger, President, 2508 West 2nd Avenue, Indianola, IA 50125 submitted a proposal for construction of the Dean's Lake Storm Water Pump Station, Activity ID 08-2006-007, which the City Council has determined to be the lowest responsible, responsive bid for said project in the amount of \$2,544,865.00. The proposal included a statement that the Disadvantaged Business Enterprise/Targeted Small Business (DBE/TSB) Program shall apply to this project.

The Engineering Department has prepared this report summarizing the information that Herberger Construction Co., Inc., 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>
<u>Castle Concrete Services Inc.</u>	<u>Concrete Paving</u>	<u>\$25,200.00</u>
	Estimated DBE/TSB Participation	<u>\$25,200.00</u>
	Herberger Construction Co., Inc. Amount	<u>\$2,544,865.00</u>
	Percentage of DBE/TSB Participation	<u>0.99%</u>

PERMISSION TO SUBLET

Project Dean's Lake Storm Water Pump Station **Date** October 22, 2007
Contractor Herberger Construction Company, Inc. **Contract No.** 14319
Federal Tax ID 42-1161562 **Activity ID** 08-2006-007

ITEM TO BE SUBLET	ORGANIZATION TO PERFORM WORK	STATE IF ORGANIZATION IS DBE	COST OF WORK TO BE SUBLET
Chain Link Fence	Des Moines Steel Fence Co. 5158 N.W. Beaver Johnston, Iowa 50131 Jeff Donells (515) 270-6227 Federal Tax ID 42-1349195	No	\$6,680.00
Construction Survey	M Clark Corp Construct Services 4612 Spring Meadow Place Cedar Rapids, Iowa 52411 Mark Clark (319) 396-9680 Federal Tax ID 71-0890366	No	\$12,875.00
Clearing and Grubbing	J.C.'s Services 10654 Southwold Des Moines, Iowa 50320 Bob (515) 285-7200 Federal Tax ID 42-1451348	No	\$11,000.00
Concrete	Castle Concrete Services P.O. Box 993 Johnston, Iowa 50131 Tony (515) 208-1462 Federal Tax ID 27-0073732	Yes	\$25,200.00
Erosion Control and Plan	A.J. Garret & Associates 3339 Wendover Road Suite 100 Waukee, Iowa 50263 Ed Minor (515) 202-2763 Federal Tax ID 42-1427566	No	\$11,377.00

Reinforced Concrete Pipe	Vanderpool construction Inc. 1100 N 14 th Street Indianola, Iowa 50125 Mike Vanderpool (515) 961-4682 Federal Tax ID 42-0987922	No	\$284,727.00
Electrical and Generator	Biermann Electric 512 Elm Street Des Moines, Iowa 50309 Jim Biermann (515) 255-3137 Federal Tax ID 42-0733736	No	\$429,255.00

Cost of Items Sublet This Request		<u>\$781,114.00</u>
Cost of Items Previously Sublet		<u>\$0.00</u>
Total Cost of Items Sublet		<u>\$781,114.00</u>
Cost of Specialty Items	<u>\$0.00</u>	
(a) Total Cost of Sublet Items Less Specialty Items		<u>\$781,114.00</u>
Total Contract Amount	<u>\$2,544,865.00</u>	
(b) Total Contract Amount Less Specialty Items		<u>\$2,544,865.00</u>
Percentage of Contract to be Sublet (a ÷ b)		31%

Permission is subject to subcontractors' compliance with the City of Des Moines Contract Compliance Program, and clearance of subcontractors by the Engineering Department is required prior to their starting work. Permission is given with the understanding that the prime contractor shall be held responsible for the subcontractor's full compliance of all terms of the contract.

Attachment: Contractor's Letter
Requesting Subletting



City Engineer

160907

Date

Form Routing: Project Engr. - City Engr. -
Engr. Admin. - City Clerk/City Manager -
Engr. Admin. - Distribution

City Manager

Date

Form Distribution: Original - Project File
Copy - Project Engineer
Copy - Prime Contractor