

DATE November 9, 2009

APPROVAL OF CONTRACT AND BOND  
AND PERMISSION TO SUBLET ON  
2009 SEWER REPAIR CONTRACT 2  
\$ 329,808.70

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$329,808.70, executed by Reilly Construction Co., Inc., Chris R. Reilly, President, 110 Main Street, PO Box 99, Ossian, IA, 52161 dated November 9, 2009, for the construction of the following improvement:

2009 Sewer Repair Contract 2, 08-2009-007

The improvements includes construction of new storm sewers to repair deteriorated infrastructure and erosion at 5 various locations in Des Moines, Iowa being: 3500 62nd Street, 323 E. Broad Street, S.E. 6th Street & Pioneer Road, S.E. 6th Street & Lacona Avenue, and McHenry Park; and includes construction of storm sewers, manholes, intakes, grading, restoration of pavement & landscaping, and other incidental items; in accordance with the contract documents including Plan File Nos. 508-093/143

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, subject to receipt of the contract, bond, and certificate of insurance acceptable to the Engineering and Legal Departments. 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, subject to receipt of the contract, bond, and certificate of insurance acceptable to the Engineering and Legal Departments, 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.

BE IT FURTHER RESOLVED: That the attached Permission to Sublet form, from said Contractor requesting permission to sublet designated items, be and is hereby approved, subject to receipt of the contract, bond, and certificate of insurance acceptable to the Engineering and Legal Departments; and each subcontractor is hereby granted permission to work on said improvement.

★ **Roll Call Number**

**Agenda Item Number**


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DATE November 9, 2009

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*  
Kathleen Vanderpool  
Deputy City Attorney

 Funding Source: 2009-2010 CIP, Page Storm-4, City-wide Storm Water Utility Projects, STE057, Storm Water Utility Funds

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

**PERMISSION TO SUBLET**

Date November 3, 2009

Project 2009 Sewer Repair Contract 2

Contract No. 14497

Contractor Reilly Construction Co., Inc.

Activity ID 08-2009-007

Federal Tax ID 42-0818173

Project No. N/A

<b>ITEM TO BE SUBLET</b>	<b>ORGANIZATION TO PERFORM WORK</b>	<b>STATE IF ORGANIZATION IS DBE</b>	<b>COST OF WORK TO BE SUBLET</b>
Chain Link Fencing, Bid items 18, 40, and 41	Des Moines Steel Fence Co., Inc. 5158 NW Beaver Drive Johnston, IA 50131 (515) 270-6227 42-1349195	No	\$3,869.55
TV Report and Locate, Bid item 19	Smith's Sewer Service, Inc. 4640 NW 62nd Avenue Johnston, IA 50131 (515) 255-6063 42-1390009	No	\$396.00
Erosion Mats, Sod, Seeding, Bid items 37, 38, 50, and 51	Environmental Solutions of Iowa 5501 NW 112th, Suite V Grimes, IA 50111 (515) 369-4900 03-0426875	No	\$14,081.32
Paving, PCC and HMA, Bid items 43, 44, 45, 46, and 47	Pacos Construction, LLC 9560 SE 56th Avenue Runnells, IA 50237 (515) 240-0625 20-4493861	Yes	\$53,802.08
Traffic Control, Bid items 52 and 53	Iowa Plains Signing, Inc. 1110 W. 6th Avenue, PO Box 654 Slater, IA 50244 (515) 685-3596 42-1501734	No	\$5,200.00
Cost of Items Sublet This Request			\$77,348.95
Cost of Items Previously Sublet			\$0.00
Total Cost of Items Sublet			\$77,348.95
Cost of Specialty Items		\$0.00	
(a) Total Cost of Sublet Items Less Specialty Items			\$77,348.95
Total Contract Amount		\$329,808.70	
(b) Total Contract Amount Less Specialty Items			\$329,808.70
Percentage of Contract to be Sublet (a ÷ b)			23.45%

Permission to Sublet is given with the understanding that the prime contractor shall be held responsible for the subcontractors' full compliance of all terms of the contract.

Form Routing: Project Engineer  
Engineering Administration  
City Clerk  
Engineering Administration  
Distribution



52A

**CONTRACTOR'S ANTICIPATED DBE/TSB UTILIZATION**  
**2009 Sewer Repair Contract 2**

**Activity ID 08-2009-007**

On October 27, 2009, Reilly Construction Co., Inc., Chris R. Reilly, President, 110 Main Street, PO Box 99, Ossian, IA 52161 submitted a proposal for construction of the 2009 Sewer Repair Contract 2, Activity ID 08-2009-007, which the City Council has determined to be the lowest responsible, responsive bid for said project in the amount of \$329,808.70. 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 Reilly 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>Paco's Construction, LLC</u>	<u>Sidewalk, Driveway, and PCC Patching</u>	<u>\$53,802.08</u>
	Estimated DBE/TSB Participation	<u>\$53,802.08</u>
	Reilly Construction Co., Inc. Amount	<u>\$329,808.70</u>
	Percentage of DBE/TSB Participation	<u>16.31%</u>