

DATE November 9, 2009

APPROVAL OF CONTRACT AND BOND  
AND PERMISSION TO SUBLET ON  
LIVINGSTON AVENUE STORM SEWER TELEVISIONING  
\$ 251,000.00

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$251,000.00, executed by Priority Excavating LLC, Toby Torstenson, President, 773 NE 47th Place, Des Moines, IA, 50313 dated November 9, 2009, for the construction of the following improvement:

Livingston Avenue Storm Sewer Televisioning, 08-2010-001  
08-DRI-006

The improvement includes cleaning and televising of approximately 23,000 lineal feet of 12" through 66" storm sewer; all in accordance with the contract documents including Plan File Nos. 508/-086/092 at an area bounded by S.W. 1st Street, the Des Moines River, S.E. 9th Street and E. Columbus Avenue 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, 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**

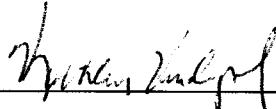
**Agenda Item Number**

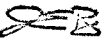
53A

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  
 Deputy City Attorney



Funding Source: Livingston Avenue Sewer Lining, STE085, Being:  
 \$251,000 in HUD Disaster funds from the Iowa Department of Economic Development for 100% of construction costs associated with the lining of the Livingston Avenue Storm Sewer System with a \$2,000,000 maximum in Federal Jumpstart Infrastructure Assistance 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

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Department of Engineering  
City of Des Moines, Iowa



**CONTRACTOR'S ANTICIPATED DBE/TSB UTILIZATION**

**Livingston Avenue Storm Sewer Televising**

**Activity ID 08-2010-001**

On November 3, 2009, Priority Excavating LLC, Toby Torstenson, President, 773 NE 47th Place, Des Moines, IA 50313 submitted a proposal for construction of the Livingston Avenue Storm Sewer Televising, Activity ID 08-2010-001, which the City Council has determined to be the lowest responsible, responsive bid for said project in the amount of \$251,000.00. 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 Priority Excavating 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>
Bonnies Barricades	Traffic Control	\$2,284.00
	Estimated DBE/TSB Participation	\$2,284.00
	Priority Excavating LLC Amount	\$251,000.00
	Percentage of DBE/TSB Participation	0.91%