

DATE November 24, 2008

APPROVAL OF CONTRACT AND BOND
AND PERMISSION TO SUBLET ON
M.L. KING JR. PARKWAY LEVEE RESTORATION
\$ 175,246.25

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$175,246.25, executed by Elder Corporation, Jared R. Elder II, President, 5088 E. University Avenue, Des Moines, IA, 50327 dated November 24, 2008, for the construction of the following improvement:

M.L. King Jr. Parkway Levee Restoration, 04-2009-003

The improvement includes restoration of the levee following the 2008 Floods with work to include excavation of temporary clay material, removal of bike trail, and construction of a gatewell, culvert, select fill, levee reconstruction and restoration, and other incidental items; all in accordance with the contract documents including Plan File Nos. 492-075/116 along the east side of M.L. King Jr. Parkway between Madison Avenue and Euclid Avenue.

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.

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

47A

DATE November 24, 2008

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

M Funding Source: 2008-2009 CIP, Page Storm Sewer-10, Flood Protection System Improvements, FLD008, Storm Water Utility Funds, Being:
 Storm Water Utility Funds with a minor portion of this project anticipated to be funded with FEMA 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

47A

Department of Engineering
City of Des Moines, Iowa



CONTRACTOR'S ANTICIPATED DBE/TSB UTILIZATION

M.L. King Jr. Parkway Levee Restoration

Activity ID 04-2009-003

On November 12, 2008, Elder Corporation, Jared R. Elder II, President, 5088 E. University Avenue, Des Moines, IA 50327 submitted a proposal for construction of the M.L. King Jr. Parkway Levee Restoration, Activity ID 04-2009-003, which the City Council has determined to be the lowest responsible, responsive bid for said project in the amount of \$175,246.25. 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 Elder Corporation, 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	\$1,290.00
	Estimated DBE/TSB Participation	\$1,290.00
	Elder Corporation Amount	\$175,246.25
	Percentage of DBE/TSB Participation	0.74%