



Roll Call Number

Agenda Item Number

57

DATE May 23, 2011

PUBLIC HEARING, APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT DOCUMENTS, AND ENGINEER'S ESTIMATE ON TONAWANDA DRIVE RAVINE IMPROVEMENTS; RECEIVE AND FILE BIDS

WHEREAS, on April 25, 2011, under Roll Call No. 11-0653, plans, specifications, form of contract documents, and Engineer's estimate of construction cost were filed with the City Clerk, for the construction of the following improvement:

Tonawanda Drive Ravine Improvements, 08-2011-002

I-JOBS #495

The improvement includes the stabilization of stream banks, construction of storm sewer, intakes, manholes, water mains, and curb and gutter, scarification and HMA overlay, seeding, sodding, and other incidental items; in accordance with the contract documents, including Plan File Nos. 531-028/104, located on Tonawanda Drive between 42nd Street and Grand Avenue, Des Moines Iowa

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; and

WHEREAS, on May 10, 2011, sealed bids for said improvement were received and opened at a public meeting presided over by the City Engineer in the City Council Chambers, 2nd Floor, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa at 11:00 a.m.; and

WHEREAS, during its review and evaluation of the bid submitted by Elder Corporation, the Engineering Department discovered that Elder Corporation made an error on its proposal and incorrectly noted the unit price for Bid Item 9.11 as \$7.80 per ton rather than \$78.00 per ton; the proposal reflected the extended amount for Bid Item 9.11 as \$292,500 which was based on a unit price of \$78.00 and not \$7.80; and

WHEREAS, J. Elder II, President, Elder Corporation, has submitted the attached correspondence and documents to the City Engineer's office requesting that its bid be withdrawn and bid security returned because it made a serious error in the preparation of its bid concerning Bid item 9.11 resulting in underbidding its costs by a total of \$263,250 for this one bid item; and

WHEREAS, by comparison, the Engineer's estimate for this item was \$225,000, while the other two bidders bid were \$303,750 and \$245,750 and if Elder Corporation had not made the serious error, its bid would have been \$3,094,000, which is comparable to the other two bidders.

WHEREAS, the contract documents for this project include the following Public Bid Evaluation Policy that was approved by the City Council on May 17, 2004, under Roll Call no. 04-990:



Date May 23, 2011

1020, 1.11 – Limitation on Withdrawal of Proposals after Opening of Proposals: Add the following new Paragraph C:

- C. After bids are opened, if the low bidder claims that it has made a serious error in the preparation of its bid, and can support such a claim with evidence satisfactory to the Jurisdiction, said bidder shall be allowed to withdraw its bid and its bid security shall be returned; provided however, as a condition for return of its bid security, said bidder shall be required to agree that it will not be allowed to again bid on the project, either as a prime bidder or as a subcontractor, if the project, or a substantial portion of the project, is rebid within six months of the first bid opening. Under no circumstances should said bidder be permitted to alter or adjust its bid, as this would undermine the entire system of competitive bidding and be an open invitation to abuse.

1020, 1.07 – Preparation of the Proposal: Delete the last sentence of Paragraph D – Request for Unit Prices, which states the following:

“In case of discrepancy, the unit price figure shall govern.”

And replace it with the following sentence on all future projects:

“In the case of discrepancy, the unit price shall govern; except in the case of an obvious, serious, clerical error where the City Engineer is able to determine the bidder’s intent from the proposal; in which case, the Des Moines City Council may waive irregularities that are in best interest of the City of Des Moines, as long as the integrity of the bid process can be maintained.”

WHEREAS, the City Engineer recommends that Elder Corporation be allowed to withdraw its bid and its bid security be returned.

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 Engineer's estimate of construction cost for said improvement be closed; and that said plans, specifications, form of contract documents, and Engineer's estimate of construction cost are hereby approved as the plans, specifications, form of contract documents, and 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 Elder Corporation, and hereby allows Elder Corporation to withdraw its bid and also directs the City Clerk to return Elder Corporation's bid security.

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

Elder Corporation Des Moines, IA - Bid withdrawn by Bidder

Corell Contractor, Inc. West Des Moines, IA

McAninch Corporation Des Moines, IA

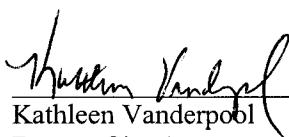
which were received and opened at a public meeting presided over by the Engineer in the City Council Chambers, 2nd Floor, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa at 11:00 a.m. on May 10, 2011. Said bids and the attached tabulation of bids for said improvement be and are hereby received and filed.

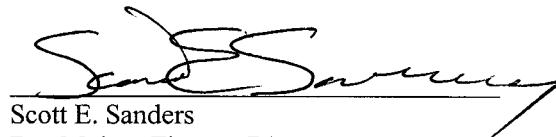
(City Council Communication Number 11-309 attached.)

Moved by to adopt.

FORM APPROVED:

FUNDS AVAILABLE


Kathleen Vanderpool
Deputy City Attorney


Scott E. Sanders
Des Moines Finance Director

Funding Source: 2011-2012 CIP, Page Storm-17, Tonawanda Ravines, STE082, Being: \$588,809.87 Storm Water Bonds Issued; \$700,000.00 in I-JOBS II Targeted Disaster Relief Grant funds (\$700,000 maximum); \$176,794.45 from STR003, Asphaltic Paving Restoration Program, Page Street-5 for Tonawanda Drive resurfacing; \$118,996.68 from Des Moines Water Works; funding shortfall of \$1,500,000 will need to be addressed prior to selection of the apparent low bidder

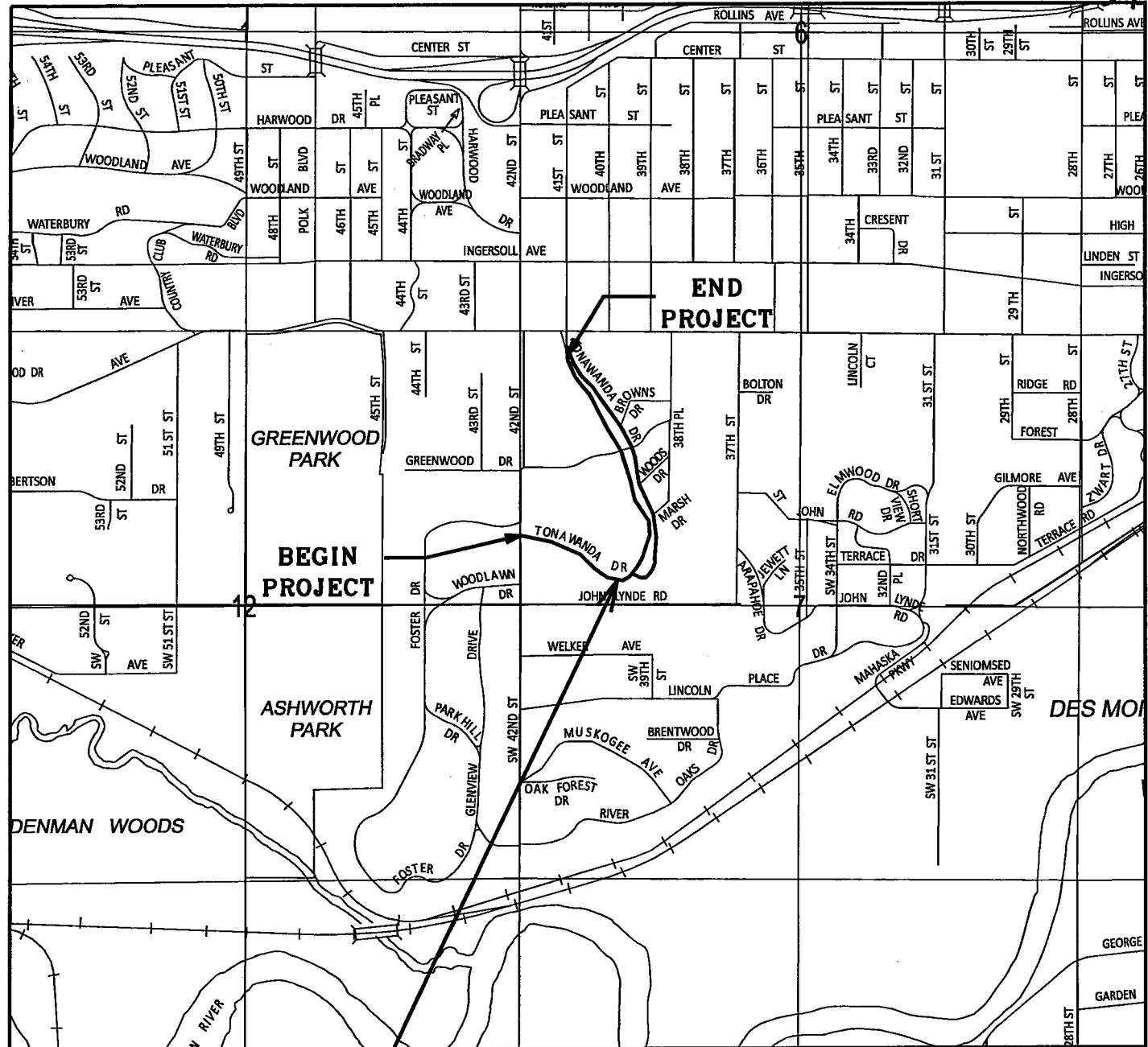
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

City Clerk



**TONAWANDA DRIVE RAVINE
IMPROVEMENTS
42ND STREET TO GRAND AVENUE
ACTIVITY I.D. 08-2011-002**

DEPARTMENT OF ENGINEERING
CITY OF DES MOINES, IOWA

TABULATED BY: Erickson & Sons APPROVED BY: R. Detroit
CHECKED BY: Jerry Daniels

CONTRACTORS BID TABULATION
PROJECT: TONAWANDA DRIVE RAVINE IMPROVEMENTS

Activity ID 08-2011-002
Bid Date: 05/10/2011

--ESTIMATE--

ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1.1	MOBILIZATION	1 LS	\$50,000.00	\$50,000.00	\$123,556.70	\$195,700.00	\$284,000.00	\$284,000.00
1.2	CONSTRUCTION SURVEY	1 LS	\$26,000.00	\$26,000.00	\$24,000.00	\$27,500.00	\$22,370.00	\$22,370.00
1.3	PROJECT SIGN	1 EA	\$700.00	\$700.00	\$1,300.00	\$1,200.00	\$1,200.00	\$1,200.00
1.4	INTERPRETIVE SIGNS	2 EA	\$3,800.00	\$7,600.00	\$4,800.00	\$3,500.00	\$4,000.00	\$8,000.00
1.5	EROSION CONTROL	1 LS	\$4,624.00	\$4,624.00	\$11,000.00	\$7,225.00	\$7,050.00	\$7,050.00
DIVISION 1 TOTAL =			\$88,924.00		\$169,456.70		\$238,625.00	
2.1	CLEARING AND GRUBBING	1 LS	\$45,000.00	\$45,000.00	\$61,000.00	\$132,250.00	\$129,000.00	\$129,000.00
2.2	COMPOST AMENDED TOPSOIL	1085 CY	\$10.00	\$10,850.00	\$80.00	\$86,800.00	\$57.25	\$62,116.25
2.3	CLASS 10 EXCAVATION	1100 CY	\$8.00	\$8,800.00	\$54.50	\$59,950.00	\$88,000.00	\$10,000.00
2.4	BORROW	1135 CY	\$5.00	\$5,675.00	\$45.00	\$51,075.00	\$17,025.00	\$20,000.00
2.5	SPECIAL FILL	65 CY	\$35.00	\$2,275.00	\$69.00	\$4,485.00	\$25.00	\$1,625.00
2.6	SUBGRADE PREPARATION	4760 SY	\$5.00	\$23,800.00	\$8.10	\$38,556.00	\$7.30	\$34,748.00
2.7	SUBGRADE TREATMENT, GEOTEXTILE	3598 SY	\$4.00	\$14,392.00	\$5.15	\$18,529.70	\$3.75	\$13,492.50
2.8	GRANULAR SUBBASE, TYPE A	4760 SY	\$9.00	\$42,840.00	\$9.25	\$44,030.00	\$7.30	\$34,748.00
2.9	REMOVAL OF GABIONS	21 CY	\$50.00	\$1,050.00	\$139.00	\$2,919.00	\$160.00	\$11.65
2.10	REMOVE AND REPLACE RIPRAP	307 SY	\$50.00	\$15,350.00	\$91.50	\$28,050.50	\$35.00	\$3,360.00
2.11	MISCELLANEOUS REMOVALS	1 LS	\$10,000.00	\$10,000.00	\$3,900.00	\$3,900.00	\$10,745.00	\$135.00
DIVISION 2 TOTAL =			\$180,032.00		\$399,355.20		\$402,109.75	
3.1	FILLING AND CAPPING OF KNOWN PIPES, VCP, 18 IN.	65 LF	\$20.00	\$1,300.00	\$35.50	\$2,307.50	\$26.00	\$1,690.00
3.2	REMOVE AND REPLACE SANITARY SEWER, D.I.P., 12 IN.	40 LF	\$170.00	\$6,800.00	\$30.00	\$12,000.00	\$260.00	\$10,400.00
3.3	REMOVAL OF STORM SEWER, PVC, 8 IN. AND VCP, 8 IN.	53 LF	\$10.00	\$530.00	\$26.50	\$1,404.50	\$30.00	\$1,590.00
3.4	REMOVAL OF STORM SEWER, VCP, 10 IN.	76 LF	\$10.00	\$760.00	\$27.25	\$2,071.00	\$30.00	\$1,749.00
3.5	REMOVAL OF STORM SEWER, VCP, 12 IN.	8 LF	\$10.00	\$80.00	\$31.00	\$248.00	\$30.00	\$2,584.00
3.6	REMOVAL OF STORM SEWER, CMP, 12 IN.	40 LF	\$10.00	\$400.00	\$27.00	\$1,080.00	\$30.00	\$1,080.00
3.7	REMOVAL OF STORM SEWER, CMP, 15 IN.	40 LF	\$10.00	\$400.00	\$27.00	\$1,080.00	\$30.00	\$1,080.00
3.8	REMOVAL OF STORM SEWER, RCP, 15 IN.	18 LF	\$20.00	\$360.00	\$30.00	\$540.00	\$55.00	\$990.00
3.9	REMOVAL OF STORM SEWER, VCP, 18 IN.	20 LF	\$25.00	\$500.00	\$29.75	\$595.00	\$30.00	\$600.00
3.10	REMOVAL OF STORM SEWER, CMP, 24 IN.	26 LF	\$25.00	\$650.00	\$28.25	\$734.50	\$30.00	\$780.00
3.11	REMOVAL OF STORM SEWER, RCP, 30 IN.	87 LF	\$35.00	\$3,045.00	\$33.50	\$2,914.50	\$30.00	\$2,610.00
3.12	REMOVAL OF STORM SEWER, RCP, 42 IN.	67 LF	\$40.00	\$2,680.00	\$40.50	\$2,713.50	\$30.00	\$2,010.00
3.13	STORM SEWER PIPE, TRENCHED, 2000D (CLASS III), RCP, 15 IN.	1402 LF	\$75.00	\$105,150.00	\$74.00	\$103,748.00	\$106.00	\$148,612.00
3.14	STORM SEWER PIPE, TRENCHED, 2000D (CLASS III), RCP, 18 IN.	16 LF	\$90.00	\$1,440.00	\$89.50	\$1,432.00	\$146.00	\$2,336.00
3.15	STORM SEWER PIPE, TRENCHED, 2000D (CLASS III), RCP, 24 IN.	243 LF	\$100.00	\$24,300.00	\$83.00	\$20,169.00	\$118.00	\$28,674.00
3.16	STORM SEWER PIPE, TRENCHED, 2000D (CLASS III), RCP, 30 IN.	12 LF	\$110.00	\$1,320.00	\$121.00	\$1,452.00	\$120.00	\$2,484.00
3.17	STORM SEWER PIPE, TRENCHED, 2000D (CLASS III), RCP, 36 IN.	88 LF	\$120.00	\$10,560.00	\$120.00	\$10,560.00	\$141.00	\$12,408.00
3.18	STORM SEWER PIPE, TRENCHED, 2000D (CLASS III), RCP, 60 IN.	68 LF	\$250.00	\$17,000.00	\$247.00	\$16,796.00	\$340.00	\$23,120.00
3.19	STORM SEWER PIPE, TRENCHED, 2000D (CLASS III), RCP, 72 IN.	70 LF	\$400.00	\$28,000.00	\$410.00	\$28,700.00	\$545.00	\$406.00
3.20	STORM SEWER APPRON, 2000 (CLASS III) RCP, 15 IN.	21 EA	\$1,300.00	\$27,300.00	\$1,000.00	\$21,000.00	\$1,190.00	\$24,990.00

Corell Contractor, Inc.
West Des Moines, IA

BID SECURITY
10% Bid Bond

McAninch Corporation
Des Moines, IA

BID SECURITY
10% Bid Bond

BID PRICE

Elder Corporation
Des Moines, IA

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Corell Contractor, Inc.
West Des Moines, IA

**TOTAL CONSTRUCTION COST
PERCENT OF ENGINEER'S ESTIMATE**

\$2,400,000.00

\$3,084,601.00
+28.53%
(1 QM)

\$3,294,764.80
+37.28%

BID WITHDRAWN BY BIDDER
DUE TO SERIOUS ERROR