

DATE August 22, 2016

APPROVAL OF CONTRACT AND BOND  
FOR CONSTRUCTION OF AN IMPROVEMENT WITH AN ESTIMATED COST  
OF WHICH IS LESS THAN THE IOWA CODE COMPETITIVE BID THRESHOLD,  
MUNICIPAL SERVICE CENTER DUCTWORK MODIFICATIONS, CUNNINGHAM, INC., CHARLES A.  
CUNNINGHAM JR., PRESIDENT, \$20,150.00

WHEREAS, Sections 26.3 and 26.12 of the Code of Iowa exempt the governing body from advertisement for sealed bids and holding a public hearing on the proposed plans, specifications, form of contract and estimated cost of the improvement when the Engineer's estimated cost the improvement is less than the competitive bid threshold established in Section 314.1B; and

WHEREAS, On February 12, 2007, under Roll Call No. 07-291, the Des Moines City Council approved bidding and contracting process changes for construction of improvements which included "Part II: New Competitive Quotation Process for Public Improvements" which the City Engineer has utilized for this project; and

WHEREAS, the Des Moines City Engineer has prepared an estimate for construction of the following improvement:

Municipal Service Center Ductwork Modifications, 10-2016-011

The improvement includes the addition of displacement diffusers in the paint booth room and the reconfiguration of ductwork from the energy recovery unit and the outside air louver on ERV-2 and ERV-3; all work in accordance with the contract documents including Plan File Nos. 574-096/098, located at the Municipal Service Center, 1551 East M.L. King, Jr. Parkway, Des Moines, Iowa

The estimated cost of said improvement is \$19,000.00, which is less than the competitive bid threshold established in Section 314.1B of the Code of Iowa. Iowa Code Section 26.14 does not require that competitive quotations be submitted with bid security; and

WHEREAS, the Des Moines City Engineer has solicited proposals for construction of said improvements in accordance with the process outlined above; and recommends award of contract to Cunningham, Inc., Charles A. Cunningham Jr., President, 808 S. Market Street, Oskaloosa, IA, 52577 in the amount of \$20,150.00, for construction of said improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the attached communication recommending construction of the following improvement and the method of financing; and also including the recommendation of the Des Moines City Engineer submitting plans, specifications, contract documents, and Engineer's estimate of cost for the construction of the following improvement:

Municipal Service Center Ductwork Modifications, 10-2016-011

The improvement includes the addition of displacement diffusers in the paint booth room and the reconfiguration of ductwork from the energy recovery unit and the outside air louver on ERV-2 and ERV-3; all work in accordance with the contract documents including Plan File Nos. 574-096/098, located at the Municipal Service Center, 1551 East M.L. King, Jr. Parkway, Des Moines, Iowa

be and the same are hereby approved and accepted. The estimated construction cost for said improvement is \$19,000.00, which is less than the competitive bid threshold established in Section 314.1B of the Code of Iowa; and

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BE IT FURTHER RESOLVED: That this Council hereby determines that it is necessary and advisable to construct said improvement in the manner set forth in the plans, specifications, and contract documents submitted by the Des Moines City Engineer; and that payment for the cost of said improvement shall be paid from the funding source identified below.

BE IT FURTHER RESOLVED: That said plans, specifications, contract documents, and Engineer's estimate of construction cost are hereby approved as the plans, specifications, contract documents, and Engineer's estimate of construction cost for said improvement.

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

Cunningham, Inc.	Oskaloosa, IA
SME Mechanical	Des Moines, IA
Air Con Mechanical, Corp.	Des Moines, IA
Corn States Sheet Metal Fabricators, Inc.	West Des Moines, IA
Central Iowa Mechanical Co.	Des Moines, IA

which were received and opened by the Des Moines City Engineer in the City Engineer's Office, 2nd Floor, City Administration Building, 400 E. Court Avenue, Des Moines, Iowa 50309 on August 10, 2016. Said bids and the attached tabulation of bids for said improvement be and are hereby received and filed.

BE IT FURTHER RESOLVED: That the Des Moines City Engineer has determined that the lowest responsive, responsible bid for the construction of said improvement was submitted by Cunningham, Inc., in the amount of \$20,150.00, and said bid be and the same is hereby accepted.

BE IT FURTHER RESOLVED: That the Des Moines City Engineer has secured execution by the lowest responsive, responsible Bidder and its surety of the contract documents in the form approved by this Council.

BE IT FURTHER RESOLVED: That the contract and bond, in the amount of \$20,150.00, executed by Cunningham, Inc., dated August 22, 2016, for the construction of said improvements; the same to be performed in accordance with the plans and specifications which have been approved by this Council, be and the same are hereby approved. Since the estimated cost of said improvements was less than the competitive bid threshold, the DBE/TSB Program shall not apply to this work.

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 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.

★ **Roll Call Number**

**Agenda Item Number**

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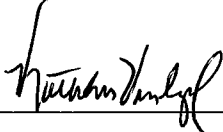
BE IT FURTHER RESOLVED: That the Des Moines Finance Director is hereby authorized to encumber this contract amount against the funds as identified below, and to acquire Builder's Risk Insurance, if appropriate, for the above referenced improvement.

(City Council Communication Number 16-462 attached.)

Moved by \_\_\_\_\_ to adopt.


FORM APPROVED:

FUNDS AVAILABLE




Kathleen Vanderpool  
Deputy City Attorney

Daniel E. Ritter  
Des Moines Finance Director

 Funding Source: 2016-2017 CIP, Page Building - 8, Municipal Building Improvements, BL085, G. O. Bonds

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
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

TABULATED BY: Jill Tenney APPROVED BY: R. De Groot  
CHECKED BY: [Signature]

**CONTRACTOR'S BID TABULATION**  
PROJECT: MUNICIPAL SERVICE CENTER DUCTWORK MODIFICATIONS

-----ESTIMATE-----

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Base Bid	As Described in Contract Documents, Municipal Service Center Ductwork Modifications, Complete as Specified.	\$19,000.00
TOTAL BID		\$19,000.00
PERCENT OF ENGINEER'S ESTIMATE		

Cunningham, Inc. Oskaloosa, IA	SME Mechanical Des Moines, IA	Air Con Mechanical Des Moines, IA	Corn States West Des Moines, IA	Central Iowa Mechanical Des Moines, IA
BID SECURITY	BID SECURITY	BID SECURITY	BID SECURITY	BID SECURITY
BID PRICE	BID PRICE	BID PRICE	BID PRICE	BID PRICE
<u>AMOUNT</u>	<u>AMOUNT</u>	<u>AMOUNT</u>	<u>AMOUNT</u>	<u>AMOUNT</u>
\$20,150.00	\$21,300.00	\$25,422.00	\$26,450.00	\$27,000.00
+6.05% Low	+12.11%	+33.80%	+39.21%	+42.11%
TOTAL BID		\$25,422.00	\$26,450.00	\$27,000.00
PERCENT OF ENGINEER'S ESTIMATE		+33.80%	+39.21%	+42.11%