



DATE December 12, 2022

APPROVAL OF CONTRACT AND BOND  
AND PERMISSION TO SUBLET ON  
EVELYN K. DAVIS PARK BASKETBALL COURT IMPROVEMENTS  
\$573,487.00

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$573,487.00, executed by Gruss Construction, LLC, Derek J. Gruss, Owner, 1491 248th St, Winterset, IA, 50273 dated December 12, 2022, for the construction of the following improvement:

Evelyn K. Davis Park Basketball Court Improvements, 112022012

The improvement includes the construction of new reinforced Portland Cement Concrete (PCC) basketball courts, PCC sidewalks, concrete seating and planters, shade structures, lighting facilities, electrical, storm sewer, subdrain, earthwork, demolition, restoration, and other incidental items; all in accordance with contract documents, including Plan File No. 643-067/085b, located in Evelyn K. Davis Park, 1400 Forest Avenue, 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 and bond approved as to form by the Legal Department, and certificate of insurance acceptable to the Engineering 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 and bond approved as to form by the Legal Department, and certificate of insurance acceptable to the Engineering Department, 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 in accordance with the Instructions to Bidders.

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 and bond approved as to form by the Legal Department, and certificate of insurance acceptable to the Engineering Department; and each subcontractor is hereby granted permission to work on said improvement.



**Roll Call Number**

**Agenda Item Number**

62A

DATE December 12, 2022

BE IT FURTHER RESOLVED: That the Director of Finance 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 22-571 attached)

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

FORM APPROVED

FUNDS AVAILABLE

sKathleen Vanderpool  
Kathleen Vanderpool  
Deputy City Attorney

Nickolas J. Schaul  
Nickolas J. Schaul  
Director of Finance

SLN  
pw

Funding Source: 2022-23 CIP, Page 71, Park Improvements, PK137, Being: \$543,487 in G.O. Bonds and \$30,000 in private funds

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				

I, Laura Baumgartner, 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.

MOTION CARRIED APPROVED

Mayor

City Clerk

62A

Department of Engineering  
City of Des Moines, Iowa



**CONTRACTOR'S ANTICIPATED DBE/TSB UTILIZATION**  
**Evelyn K. Davis Park Basketball Court Improvements**

**Activity ID 112022012**

On November 8, 2022, Gruss Construction, LLC, Derek J. Gruss, Owner, 1491 248TH ST, Winterset, IA 50173 submitted a proposal for construction of the Evelyn K. Davis Park Basketball Court Improvements, Activity ID 112022012, which the City Council has determined to be the lowest responsible, responsive bid for said project in the amount of \$573,487.00. 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 Gruss Construction, 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>
Subcontractor DBE Commitment per IDOT		\$0.00
	Estimated DBE/TSB Participation	\$0.00
	Gruss Construction, LLC Amount	\$573,487.00
	Percentage of DBE/TSB Participation	0.00%