



Roll Call Number

Agenda Item Number

49A

DATE January 9, 2023

APPROVAL OF CONTRACT AND BOND
AND PERMISSION TO SUBLET ON
STONE PARK COMMUNITY GARDEN
\$518,897.98

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$518,897.98, executed by Burkett Construction, LLC, Andrew Burkett, Owner, 25 Ellefson Drive, De Soto, IA, 50069 dated January 9, 2023, for the construction of the following improvement:

Stone Park Community Garden, 042022019

The improvement includes relocation of the existing community garden at Allen Park to Stone Park. The project includes fine grading, fence, new water service, irrigation system and hydrants, Portland Cement Concrete (PCC) sidewalks, installing and filling raised planter beds, aggregate walking surface around the planter beds, and other incidental items; all in accordance with the contract documents, including Plan File No. 649-297/316, located at Stone Park, 2100 S.E. 5th Street, 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.



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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 23-019 attached)

Moved by _____ to adopt. Second by _____

FORM APPROVED

FUNDS AVAILABLE

s/ Kathleen Vanderpool
Kathleen Vanderpool
Deputy City Attorney

s/Nickolas J. Schaul
Nickolas J. Schaul
Director of Finance

SLN
pw

Funding Source: 2022-23 CIP, Page 106, Flood Mitigation Improvements, SM087, Being: \$300,000 American Rescue Plan Act (ARPA) Funding; \$84,448.99 General Obligation bonds issued; and the remaining \$134,448.99 to be transferred from Storm Water Utility Funds SM087

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

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.

Mayor

City Clerk

49A

Department of Engineering
City of Des Moines, Iowa



CONTRACTOR'S ANTICIPATED DBE/TSB UTILIZATION

Stone Park Community Garden

Activity ID 042022019

On December 13, 2022, Burkett Construction, LLC, Andrew Burkett, Owner, 25 Ellefson Drive, De Soto, IA 50069 submitted a proposal for construction of the Stone Park Community Garden, Activity ID 042022019, which the City Council has determined to be the lowest responsible, responsive bid for said project in the amount of \$518,897.98. 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 Burkett 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>
None	N/A	\$0.00
	Estimated DBE/TSB Participation	\$0.00
	Burkett Construction, LLC Amount	\$518,897.98
	Percentage of DBE/TSB Participation	0.00%