



**Roll Call Number**

08-257

**Agenda Item Number**

51A

DATE February 11, 2008

APPROVAL OF CONTRACT AND BOND  
AND PERMISSION TO SUBLET ON  
AMERICAN DISCOVERY TRAIL SEGMENT 3 FROM NORTH VALLEY DRIVE TO BILL RILEY TRAIL  
ALONG WALNUT CREEK  
\$ 356,974.84

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$356,974.84, executed by Sheets Excavating, Ltd., Charles Sheets, President, 122 Hillcrest Ridge, Montezuma, IA, 50171-3760 dated February 11, 2008, for the construction of the following improvement:

American Discovery Trail Segment 3 from North Valley Drive to Bill Riley Trail along Walnut Creek, 11-2004-017

STP-ES-1945(705)--81-77

The improvement includes construction of a 10 foot wide hot mix asphalt trail 6.0 inches thick, earthwork, clearing and grubbing, culverts, and other incidental items; in accordance with the contract documents, including Plan File Nos. 479-097/130, on the American Discovery Trail from the existing American Discovery Trail at North Valley Drive north of Walnut Creek to the Bill Riley Trail south of the existing railroad crossing

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 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.

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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.

Moved by Hensley to adopt.

FORM APPROVED Kathleen Vanderpool  
 Kathleen Vanderpool  
 Deputy City Attorney

Funding Source: 2007-2008 CIP, Page Park-22, Recreation Trails, PKS045, Various Funding, Being:  
 \$272,895.07 - 80% of Division 1 construction cost of \$341,118.84 from Federal STP Grant (Roll Call No. 01-2113 - \$773,000 max total for trail Segments 1, 3, and 4); and \$84,079.77 - City G.O. Bonds for 20% of Division 1 construction cost and 100% of Division 2 construction cost.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED APPROVED  
T. M. Franklin  
 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.

Diane Rauh  
 City Clerk