

★ Roll Call Number

08-1010

Agenda Item Number

49

DATE June 9, 2008

APPROVAL OF CONTRACT AND BOND AND PERMISSION TO SUBLET  
FOR CONSTRUCTION OF AN IMPROVEMENT THE ESTIMATED COST  
OF WHICH IS LESS THAN THE IOWA CODE COMPETITIVE BID THRESHOLD,  
SKYWALK BRIDGE 5D-6D REPAIRS, BERGSTROM CONSTRUCTION, INC., TOM GORGAS, PRESIDENT,  
\$10,875.00

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. These bidding and contracting process changes were also approved by the Des Moines International Airport Board on March 6, 2007, under Resolution Number A07-51; and

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

Skywalk Bridge 5D-6D Repairs, 12-2008-002

The improvement includes removal and replacement of soffit sheetrock, texturing, painting, traffic control and clean up; all in accordance with the contract documents at Skywalk Bridge 5D-6D over 6th Avenue just north of Walnut Street, Des Moines, Iowa

The estimated cost of said improvement is \$14,000.00, which is less than the competitive bid threshold established in Section 314.1B of the Code of Iowa; and

WHEREAS, the Acting 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 Bergstrom Construction, Inc., Tom Gorgas, President, 1719 Hull Avenue, Des Moines, IA, 50313 in the amount of \$10,875.00, 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 Acting Des Moines City Engineer submitting plans, specifications, contract documents, and Engineer's estimate of cost for the construction of the following improvement:

Skywalk Bridge 5D-6D Repairs, 12-2008-002

The improvement includes removal and replacement of soffit sheetrock, texturing, painting, traffic control and clean up; all in accordance with the contract documents at Skywalk Bridge 5D-6D over 6th Avenue just north of Walnut Street, Des Moines, Iowa

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be and the same are hereby approved and accepted. The estimated construction cost for said improvement is \$14,000.00, which is less than the competitive bid threshold established in Section 314.1B of the Code of Iowa; and

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 Acting 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:

Bergstrom Construction, Inc.	Des Moines, IA
Brocon Services LLC	Johnston, IA
Munro Construction Co.	Johnston, IA
Neumann Brothers, Inc.	Des Moines, IA

which were received and opened by the Acting Des Moines City Engineer in the City Engineer's Office, 2nd Floor, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa 50309-1891 on May 29, 2008. Said bids and the attached tabulation of bids for said improvement be and are hereby received and filed.

BE IT FURTHER RESOLVED: That the Acting Des Moines City Engineer has determined that the lowest responsive, responsible bid for the construction of said improvement was submitted by Bergstrom Construction, Inc., in the amount of \$10,875.00, and said bid be and the same is hereby accepted.

BE IT FURTHER RESOLVED: That the Acting 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 \$10,875.00, executed by Bergstrom Construction, Inc., dated June 9, 2008, 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.

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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 attached communication from said Contractor requesting permission to sublet designated items and the attached Permission to Sublet form, be and are hereby approved. The City Manager is hereby directed to sign said Permission to Sublet form granting permission for said listed subcontractor to work on said improvement.

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 08-340 attached.)

Moved by

Jensley

to adopt.

FORM APPROVED:

Kathleen Vanderpool  
Deputy City Attorney

FUNDS AVAILABLE

Allen McKinley  
Des Moines Finance Director

Funding Source: 2008-2009 CIP, Page Sidewalk-6, Downtown Skywalk System, SID094, Tax Increment Funds

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

MOTION CARRIED

APPROVED

T. M. Franklin Mayor

## CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, 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