

★ Roll Call Number

08-1697

Agenda Item Number

51

DATE September 22, 2008

PUBLIC HEARING, APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT  
DOCUMENTS, AND ENGINEER'S ESTIMATE ON  
JOHN & MARY PAPPAJOHN SCULPTURE PARK;  
RECEIVE AND FILE BIDS; AND DESIGNATION OF LOWEST RESPONSIVE, RESPONSIBLE  
BIDDER AS PINNACLE CONSTRUCTION GROUP, LLC, SHANE E. MADISON, PRESIDENT, \$2,014,500.00

WHEREAS, on August 11, 2008, under Roll Call No. 08-1399, plans, specifications, form of contract documents, and Jurisdictional Engineer's estimate of construction cost were filed with the City Clerk, for the construction of the following improvement:

John & Mary Pappajohn Sculpture Park, 11-2008-011

The John & Mary Pappajohn Sculpture Park project includes the reconstruction of two square blocks of the Western Gateway Park into an outdoor art gallery in which numerous pieces of art and sculptures will be permanently displayed. This project includes construction of four earth berms, three with reinforced PCC retaining walls with hand rails, various sculpture foundations, sculpture signs, park lighting and electrical, PCC paths, electrical transformer relocation, water meter, water fountain and backflow preventer relocation, subdrain system, irrigation system, bike racks and park benches installation, landscaping and sod installation; along with the necessary grading, earthwork, construction surveying, removals, salvage and relocations, NPDES permitting, mobilization, site security, and traffic control, and any of the add or deduct alternates selected by the City of Des Moines to be part of this contract. All work shall be in accordance with the contract documents, including Plan File Nos. 476-051/080, on the project site, which is bounded by Grand Avenue on the north, 13th Street on the east, Locust Street on the south, and 15th Street on the west, in Des Moines, Iowa.

WHEREAS, notice of the hearing on the plans, specifications, form of contract documents, and Engineer's estimate of construction cost was published as required by law.

WHEREAS, on September 9, 2008, sealed bids for said improvement were received and opened at a public meeting presided over by the Chief Civil Engineer, and the bid received from Pinnacle Construction Group, LLC, Shane E. Madison, President, 10626 Justin Drive, Urbandale, IA, 50322, was read under advisement because Proposal Attachment: Part F - Additional Requirements, Item 1 - Identity of Subcontractors was not properly completed in that Pinnacle Construction Group, LLC checked the box to indicate that it intends to utilize subcontractors over \$25,000, and did list the proposed subcontractors in the space provided, however, failed to identify the value of the work to be assigned to each subcontractor; and

WHEREAS, Staff contacted Pinnacle Construction Group, LLC after the bid opening on September 9, 2008, to request a list of the value of the work to be assigned to each proposed subcontractor and Shane Madison, President of Pinnacle Construction Group, LLC, emailed a signed letter at 3:15 p.m. on September 9, 2008, with a listing of six proposed subcontractors over \$25,000 and the value of the work to be assigned to each subcontractor that should have been listed on its Proposal Attachment: Part F - Additional Requirements, Item 1 - Identity of Subcontractors; and after further review, the Legal Department has determined that this was a minor irregularity that could be waived.

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NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the hearing on the plans, specifications, form of contract documents, and Jurisdictional Engineer's estimate of construction cost for said improvement be closed; and that said plans, specifications, form of contract documents, and Jurisdictional Engineer's estimate of construction cost are hereby approved as the plans, specifications, form of contract documents, and Jurisdictional Engineer's estimate of construction cost for said improvement.

BE IT FURTHER RESOLVED: That the City Council concurs in the recommendation of the Engineering Department and the Legal Department regarding the bid submitted by Pinnacle Construction Group, LLC, waives said minor irregularity, and hereby receives the bid submitted by Pinnacle Construction Group, LLC.

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

Pinnacle Construction Group, LLC	West Des Moines, IA Bid read under advisement
Rochon Corporation of Iowa, Inc.	Urbandale, IA Bid read under advisement
Larson & Larson Construction LLC	Urbandale, IA
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The Weitz Company, LLC	Des Moines, IA
Neumann Brothers, Inc.	Des Moines, IA

which were received and opened at a public meeting presided over by the Jurisdictional Engineer in the City Council Chambers, 2nd Floor, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa at 11:00 a.m. on September 9, 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 Jurisdictional Engineer has determined that the lowest responsive, responsible bid for the construction of said improvement was submitted by Pinnacle Construction Group, LLC, Shane E. Madison, President, 10626 Justin Drive, Urbandale, IA, 50322, in the amount of \$2,014,500.00, and said bid be and the same is hereby accepted.

BE IT FURTHER RESOLVED: That the bid security of the unsuccessful bidders be and is hereby authorized and directed to be returned.

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BE IT FURTHER RESOLVED: That the Jurisdictional Engineer is hereby directed to secure execution by the lowest responsible, responsive Bidder and its surety of the contract documents in the form heretofore approved by this Council; that the Jurisdictional Engineer is directed to thereafter present said contract documents to this Council for approval and authorization to the Mayor to sign; and that 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.

(City Council Communication Number 08-574 attached.)

Moved by Hensley to adopt.

FORM APPROVED:

FUNDS AVAILABLE

Ann DiDonato

Allen McKinley

Ann DiDonato  
Assistant City Attorney

Allen McKinley  
Des Moines Finance Director

Funding Source: 2008-2009 CIP, Page Parks-17, Pappajohn Sculpture Garden, PKS169, Being:

EB \$1,000,000 grant approved May 14, 2008 by the Vision Iowa Board (Vision Iowa No. 08-VI-002),

- \$100,000 contribution from Polk County,
- \$300,000 Prairie Meadows Legacy Grant, and
- the remainder being privately funded with collection and disbursement of the private funds by the Greater Des Moines Community Foundation.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN				✓
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLAŠIS	✓			
TOTAL	6			1

MOTION CARRIED

APPROVED

T. M. Franklin Cowrie

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