

DATE March 9, 2009

APPROVAL OF CONTRACT AND BOND
AND PERMISSION TO SUBLET ON
SOUTHEAST CONNECTOR PAVING - SE 4TH STREET TO SE 9TH STREET
\$ 3,356,000.00

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$3,356,000.00, executed by Elder Corporation, Jared R. Elder II, President, 5088 E. University Avenue, Des Moines, IA, 50327 dated March 9, 2009, for the construction of the following improvement:

Southeast Connector Paving - SE 4th Street to SE 9th Street, 06-2009-001

NHSX-U-1945(406)--8S-77

The improvements includes construction of a Portland Cement Concrete Pavement 10 inches thick on the Southeast Connector and 8 inches thick on SE 5th, SE 7th, SE 8th, and SE 9th Streets with various width pavements and medians; together with the necessary removals, earthwork, clearing, grubbing, erosion control, sidewalks, driveways, recreational trails, pavement subdrains, storm sewers, water mains, traffic controls, traffic signals, street lighting, intersection enhancements, landscaping, and irrigation system; all in accordance with the contract documents including Plan File Nos. 494-001/113 on the Southeast Connector from SE 4th Street to SE 9th 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. 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 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.

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.

★ Roll Call Number
09-422

Agenda Item Number
44A

DATE March 9, 2009

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 Meyer to adopt.

FORM APPROVED Kathleen Vanderpool
 Kathleen Vanderpool
 Deputy City Attorney

Funding Source: 2009-2010 CIP, Page Street-36, Southeast Connector - S.E. Sixth Street to S.E. 14th, STR219, Being:
 \$552,516.34 in Federal IA116 Funds for 80% eligible construction (maximum \$765,646) with \$138,129.08 in Des Moines Tax Increment Bonds for 20% Local match on Division 1 work from SE 4th - SE 6th Streets funded under STR214, Page Street-35; \$1,845,850.48 in Federal Transportation, Community, and System Preservation (TCSP) Program Funds for 80% eligible construction (maximum \$2,116,550) with \$461,462.62 in Des Moines Tax Increment Bonds for the 20% Local match on Division 2 work from SE 6th - SE 9th Streets funded under STR219, Page Street-36; and \$358,041.49 from Des Moines Water Works for Division 3 water main construction not Federal eligible.

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