

DATE April 6, 2009

APPROVAL OF CONTRACT AND BOND
FOR CONSTRUCTION OF AN IMPROVEMENT THE ESTIMATED COST
OF WHICH IS LESS THAN THE IOWA CODE COMPETITIVE BID THRESHOLD,
POLICE STATION GENERATOR EXHAUST STACK, WOLIN & ASSOCIATES, INC., DAVID R. STROH,
PRESIDENT, \$26,800.00

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

Police Station Generator Exhaust Stack, 04-2009-019

The improvement includes a pipe extension added to the existing generator exhaust to terminate above the roof line of the Police Station, 25 E. 1st Street, Des Moines, Iowa

The estimated cost of said improvement is \$50,000.00, which is less than the competitive bid threshold established in Section 314.1B of the Code of Iowa; and

WHEREAS, on March 23, 2009, competitive quotations for said improvement were received and read by the Chief Civil Engineer, and the bid received from Wolin & Associates, Inc., David R. Stroh, President, 1720 Fuller Road, West Des Moines, IA, 50265, was read under advisement because Wolin & Associates, Inc. attached a letter to its proposal which listed exclusions to the bid, which may have had the effect of conditioning its proposal; and

WHEREAS, Engineering Department Staff has reviewed said letter and determined that several of the exclusions did condition the bid, and notified Wolin & Associates, Inc. of the finding. David R. Stroh, President of Wolin & Associates, Inc., contacted staff and stated that the letter was erroneously attached as a clarification document; and has submitted a March 24, 2009 letter stating that they erroneously attached the clarification document, rescind the document, and stating that their proposal shall be based on the original bid documents as provided by the City with the valid bid amount of \$26,800.00. After further review, the Engineering and Legal Departments have determined that said letter and exclusions as submitted can be withdrawn by Wolin & Associates, Inc. and the \$26,800.00 bid accepted as a minor irregularity that can be waived.

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 Des Moines City Engineer submitting plans, specifications, contract documents, and Engineer's estimate of cost for the construction of the following improvement:

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Police Station Generator Exhaust Stack, 04-2009-019

The improvement includes a pipe extension added to the existing generator exhaust to terminate above the roof line of the Police Station, 25 E. 1st Street, Des Moines, Iowa

be and the same are hereby approved and accepted. The estimated construction cost for said improvement is \$50,000.00, 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 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 the City Council concurs in the recommendation of the Engineering Department and the Legal Department regarding the bid submitted by Wolin & Associates, Inc., waives said minor irregularity, and hereby receives the bid submitted by Wolin & Associates, Inc.

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

- | | |
|---|---|
| Wolin & Associates, Inc. | West Des Moines, IA - Bid read under advisement |
| Corn States Sheet Metal Fabricators, Inc. | West Des Moines, IA |
| Air-Con Mechanical, Corp. | Des Moines, IA |
| Michaels Construction Inc. | Adel, IA |

which were received and opened by the 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 March 23, 2009. Said bids and the attached tabulation of bids for said improvement be and are hereby received and filed.

BE IT FURTHER RESOLVED: That the Des Moines City Engineer has determined that the lowest responsive, responsible bid for the construction of said improvement was submitted by Wolin & Associates, Inc., in the amount of \$26,800.00, and said bid be and the same is hereby accepted.

BE IT FURTHER RESOLVED: That the 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 \$26,800.00, executed by Wolin & Associates, Inc., dated April 6, 2009, 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.

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.

★ Roll Call Number

Agenda Item Number

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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.

(City Council Communication Number 09-203 attached.)

Moved by Hensley to adopt.

FORM APPROVED:

FUNDS AVAILABLE

Kathleen Vanderpool
Kathleen Vanderpool
Deputy City Attorney

Allen McKinley
Allen McKinley
Des Moines Finance Director

Funding Source: 2009-2010 CIP, Page Building-18, Police Station Remodeling, BLD062, G. O. Bonds

JFB

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

MOTION CARRIED APPROVED
T. M. Franklin Cownie
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