

★ Roll Call Number

09-1146

Agenda Item Number

61

DATE June 22, 2009

PUBLIC HEARING, APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT DOCUMENTS, AND ENGINEER'S ESTIMATE ON
2009 PARKS PLAYGROUND & BASKETBALL COURT IMPROVEMENTS;
RECEIVE AND FILE BIDS; AND DESIGNATION OF LOWEST RESPONSIVE, RESPONSIBLE BIDDER AS T K CONCRETE INC., TONY J. VERMEER, PRESIDENT, \$168,505.00

WHEREAS, on May 18, 2009, under Roll Call No. 09-818, 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:

2009 Parks Playground & Basketball Court Improvements, 11-2008-008

The improvement includes the installation of PCC basketball courts, PCC sidewalk and bike trails, PCC curb, modular retaining walls, earthwork, and restoration; all in accordance with the contract documents, including Plan File Nos. 504-039/047 at Woodlawn Park, Lawnwoods Drive and Twana Drive; Burke Park, E. 6th Avenue and E. University Avenue; Good Park, 17th Street and Atkins Street; M.L. King Park, E. 17th Street and Garfield Avenue; and Three Lakes Parkway, South of E. Army Post Road, 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 June 9, 2009, 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 T K Concrete Inc., Tony J. VerMeer, President, 1608 Fifield Road, Pella, Iowa, 50219, was read under advisement because Proposal: Part B- Acknowledgement of Addenda was not properly completed in that T K Concrete Inc. did not acknowledge receipt of Addendum Number 1, which was issued by the City of Des Moines on June 5, 2009; and

WHEREAS, Engineering Department Staff contacted Ms. Sherry Bokhoven, Office Manager for T K Concrete Inc., and Mr. Tony J. VerMeer, President of T K Concrete Inc., has provided a letter dated June 10, 2009, which states that T K Concrete Inc. acknowledges receipt of said Addendum Number 1, will comply with the requirements, and agrees to perform the work at the bid price on its proposal; and after further review, the Engineering and Legal Departments have determined that this was a minor irregularity that could be waived by the City Council.

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 T K Concrete Inc., waives said minor irregularity, and hereby receives the bid submitted by T K Concrete Inc.



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

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| T K Concrete Inc. | Pella, IA - Bid read under advisement |
| MPS Engineers, P.C. | West Des Moines, IA |
| Elder Corporation | Des Moines, IA |
| Ti-Zack Concrete, Inc. | LeCenter, MN - Bid read under advisement |
| Johnson Concrete & Petroleum Const. Inc. | Des Moines, IA |
| Rocky Hurst Construction, Inc. | Truro, IA - Bid not read |

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 June 9, 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 Jurisdictional Engineer has determined that the lowest responsive, responsible bid for the construction of said improvement was submitted by T K Concrete Inc., Tony J. VerMeer, President, 1608 Fifield Road, Pella, IA, 50219 in the amount of \$168,505.00, 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.

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 09-418 attached.)

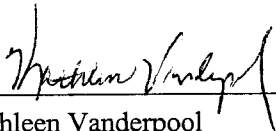
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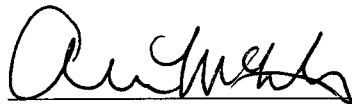
DATE June 22, 2009

Moved by Vlassis to adopt.

FORM APPROVED:


 Kathleen Vanderpool
 Deputy City Attorney

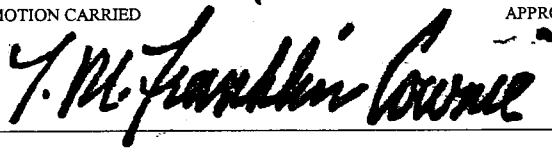
FUNDS AVAILABLE


 Allen McKinley
 Des Moines Finance Director



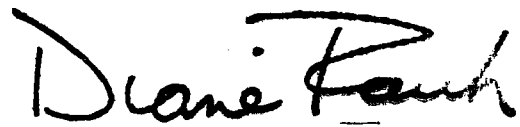
Funding Source: 2009-2010 CIP, Page Parks-15, Neighborhood Park Improvements, PKS137, G. O. Bonds

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

MOTION CARRIED APPROVED

 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.


 City Clerk