

★ Roll Call Number

09-1501

Agenda Item Number

70A

DATE August 10, 2009

APPROVAL OF CONTRACT AND BOND
AND PERMISSION TO SUBLET ON
2009 SEWER REPAIR CONTRACT 1
\$ 967,091.80

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$967,091.80, executed by Van Hauen & Associates, Inc., Mark Van Hauen, CEO/Vice President, 13615 NW 54th Avenue, Grimes, IA, 50111 dated August 10, 2009, for the construction of the following improvement:

2009 Sewer Repair Contract 1, 08-2009-021

Disaster Number: FEMA-1763-DR-IA

The improvement includes construction of new storm and sanitary sewers to repair deteriorated infrastructure at 12 various locations in Des Moines, Iowa, being: 620 Glenview Drive, 3700 River Oaks Drive, 2400 Hickman Road, 2162 16th Street, 3900 Maquoketa Drive, 1543 27th Street, 1500 Tuttle Street, 3224 SE 4th Court, 822 E. McKinley Avenue, 2202 E. 25th Street, 2704 E. 36th Street, and 2927 Capitol Avenue. Most of these locations were damaged during the Floods of 2008 and include partial FEMA funding. This contract includes construction of sanitary sewers, storm sewers, manholes, intakes, gabion basket walls, cable concrete overflows, restoration of pavement & landscaping, and other incidental items; in accordance with the contract documents including Plan File Nos. 493-113/174

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 Permission to Sublet form, from said Contractor requesting permission to sublet designated items, be and is hereby approved; and each subcontractor is hereby granted permission to work on said improvement.

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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.

Moved by Vlassis to adopt.

FORM APPROVED Ann DiDonato
Ann DiDonato
Assistant City Attorney

JB

Funding Source: 2009-2010 CIP, Page Storm-4, City-wide Storm Water Utility Projects, STE057, Being: This project is repair of infrastructure damaged during the 2008 Iowa Disaster and is partially eligible under Disaster Number: FEMA-1763-DR-IA which is the Disaster Declaration for Public Assistance. Funding is as follows:

- \$695,772.29 in Storm Water Utility Funds from STE057,
- \$85,000 in Sanitary Sewer Funds from City-wide Sanitary Sewers, Page Sanitary-5, SAE054, for Item 7.06 2927 Capitol Avenue,
- \$186,319.51 estimated in FEMA eligible construction cost from 2009-2010 Operating Budget, 2008 Storms Mitigation/Recovery, OPR178, being 90% FEMA (\$167,687.56) and 10% Iowa State Emergency Funds (\$18,631.95). FEMA and State participation are being reviewed for additional funding.

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