★ **Roll Call Number**
09-1601

Agenda Item Number
63A

DATE August 24, 2009

APPROVAL OF CONTRACT AND BOND
AND PERMISSION TO SUBLET ON
RIVERPOINT WEST STREET IMPROVEMENTS
$ 2,499,556.60

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of $2,499,556.60, executed by Sternquist Construction Inc., Britt Sternquist, President, 1110 N 14th Street, Indianola, IA, 50125 dated August 24, 2009, for the construction of the following improvement:

Riverpoint West Street Improvements, 06-2007-010
HUD B-06-MC-19-003 (Note A & B), RM-1945(712)--9D-77
The improvement includes reconstructing existing roadways and constructing new roadways in the eastern portion of the Riverpoint West redevelopment area in Des Moines, Iowa. SW 11th Street will be reconstructed from ML King Jr. Parkway to Tuttle Street and a new roadway extended from Tuttle Street to Dart Way. A new Murphy Street will be constructed from SW 11th Street to SW 9th Street to accommodate the improved grade on SW 11th Street. This project will include grading, pavement, storm sewers & intakes, sanitary sewers, water main, and other incidental items; in accordance with the contract documents, including Plans File Nos. 493-001/106

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 Hensley to adopt.

FORM APPROVED Kathleen Vanderpool
Kathleen Vanderpool
Deputy City Attorney

Funding Source: 2009-2010 CIP, Page Street-35, Riverpoint West Street Improvements, STR227, Being:

- $440,223.79 in City of Des Moines TIF-Backed G. O. Bonds from STR227.
- $521,290 in Iowa Department of Transportation Revitalize Iowa's Sound Economy (RISE) funds for 50% of construction cost of eligible items with $521,290 maximum. (Division 1 Paving items are RISE eligible.)
- $1,538,042.81 in private contributions in accordance with the Supplemental Development Agreement approved on May 19, 2008, under Roll Call No. 08-935, being:
  - o $1,138,879.79 from Riverpoint West L.L.C., which contains proceeds from the HUD Section 108 Loan approved by the City Council on July 23, 2007, under Roll Call No.07-1456, and is to be paid within 10 days after award of the contract.
  - o $399,163.02 411,810.68 from Hubbell Terminal Corporation, which shall be paid at completion of the project.

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