

★ Roll Call Number

09-1709

Agenda Item Number

69A

DATE September 14, 2009

APPROVAL OF CONTRACT AND BOND
AND PERMISSION TO SUBLET ON
PRINCIPAL RIVERWALK - WALNUT STREET TO GRAND AVENUE, WEST SIDE
\$ 2,849,000.00

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$2,849,000.00, executed by Elder Corporation, Jared R. Elder II, President, 5088 E. University Avenue, Des Moines, IA, 50327 dated September 14, 2009, for the construction of the following improvement:

Principal Riverwalk - Walnut Street to Grand Avenue, West Side, 11-2009-011

ESL-1945(759)—7S-77

The improvement includes construction of a 12-foot-wide recreational trail and other amenities including precast concrete pavers, stone paving, concrete pedestrian pavement, HMA pavement, landscaping, floodwall and other related items, all in accordance with the contract documents including Plan File Nos. 503-047/176 to be constructed along the west bank of the Des Moines River from Walnut Street to Grand Avenue, 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 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

JB Funding Source: 2009-2010 CIP, Page Park-23, Principal Riverwalk, PKS162, Being: \$2,849,000 (\$2,856,610 previous maximum) in Federal Stimulus Funds under the American Recovery and Reinvestment Act of 2009 (ARRA) for construction costs only, with any construction overage from Iowa State Recreation Trail 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