



Roll Call Number

09-1906

Agenda Item Number

9

DATE October 26, 2009

DESIGNATION OF LOWEST RESPONSIVE, RESPONSIBLE BIDDER AS PROSHOT CONCRETE, INC.,
TIMOTHY MCDUGLE, PRESIDENT, \$179,664.00 AND
APPROVAL OF CONTRACT AND BOND AND PERMISSION TO SUBLET ON
1706 PENNSYLVANIA AVENUE SOIL STABILIZATION

WHEREAS, On October 12, 2009, under Roll Call No. 09-1883, the City Council held the public hearing and approved the plans, specifications, form of contract documents, and engineer's estimate on the 1706 Pennsylvania Avenue Soil Stabilization project and also received and filed bids; and,

WHEREAS, the adjacent property owners, Steven C. and Alyce A. Wallace, have secured additional funding from the Jumpstart State 3 program and have requested that the City proceed with construction of the project.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the Jurisdictional Engineer has determined that the lowest responsive, responsible bid for the construction of said improvement was submitted by Proshot Concrete, Inc., Timothy McDougale, President, 4158 Musgrove Drive, Florence, AL, 35630 in the amount of \$179,664.00, 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 contract and bond, in the amount of \$179,664.00, executed by Proshot Concrete, Inc., Timothy McDougale, President, 4158 Musgrove Drive, Florence, AL, 35630 dated October 12, 2009, for the construction of the following improvement:

1706 Pennsylvania Avenue Soil Stabilization, 04-2009-018, 69-6114-9-46

The improvement includes construction of soil nailing with the necessary appurtenances and restoration; in accordance with the contract documents including Plan File Nos. 476-144/147 at 1706 Pennsylvania 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, subject to receipt of the contract, bond, and certificate of insurance acceptable to the Engineering and Legal Departments. 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, subject to receipt of the contract, bond, and certificate of insurance acceptable to the Engineering and Legal Departments, 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, subject to receipt of the contract, bond, and certificate of insurance acceptable to the Engineering and Legal Departments; 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 Kathleen Vanderpool by AD
Kathleen Vanderpool
Deputy City Attorney

Funding Source: 2009-2010 CIP, Page Storm-4, City-wide Storm Water Utility Projects, STE057, Being:
Various funding being:
• \$127,500 in Federal funds from the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), Emergency Watershed Protection (EWP) Program funds for 75% of total project costs estimated at \$170,000 not to exceed \$127,500 per Agreement No. 69-6114-9-46 approved by Council on June 23, 2009 under Roll Call 09-1067
• \$26,466 in private contributions from the adjacent property owners, Steven C. and Alyce A. Wallace per agreement approved by the City Council on February 23, 2009. Under the agreement, the property owners are responsible for the remainder of the project cost not paid by the USDA NCRS EWP grant.
• \$25,698 in Jumpstart State 3 funding

RB

| 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