

★ Roll Call Number

09-2229

Agenda Item Number

56A

DATE December 7, 2009

APPROVAL OF CONTRACT AND BOND  
AND PERMISSION TO SUBLET ON  
ARMY POST ROAD WIDENING - S.W. 9TH STREET TO S.E. 5TH STREET  
\$ 1,609,274.75

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$1,609,274.75, executed by Reilly Construction Co., Inc., Chris R. Reilly, President, 110 Main Street, PO Box 99, Ossian, IA, 52161 dated December 7, 2009, for the construction of the following improvement:

Army Post Road Widening - S.W. 9th Street to S.E. 5th Street, 06-2009-005  
CS-TSF-1945(713)--85-77, CS-TSF-1945(731)--85-77, ESL-1945(758)--7S-77

The improvement includes the construction of a center two-way left-turn lane by the removal and replacement of curbs, placement of 9-inch Portland cement concrete pavement base widening with a 3-inch HMA overlay, median modifications, storm drainage, subdrain, subbase placement, driveways, sidewalks, traffic signal construction at S.E. 3rd Street, pavement markings, sodding and miscellaneous associated work including cleanup; all in accordance with the contract documents, including Plan File Nos. 507-001/126, located on Army Post Road between S.W. 9th Street and S.E. 5th Street, 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 Meyer to adopt.

FORM APPROVED Kathleen Vanderpool  
 Kathleen Vanderpool  
 Deputy City Attorney

Funding Source: 2009-2010 CIP, Page Street-5, Army Post Widening - SE 5th to SW 9th, STR229, Being:  
 The project will be funded by the IDOT in two parts as follows:

1. Army Post Road Widening from SW 9th Street to South Union Street being:
  - \$196,438.73 in Federal Stimulus Funds under the American Recovery and Reinvestment Act of 2009 for 100% of construction costs under agreement ESL-1945(758)--7S-77
  - \$425,000 in Iowa DOT Traffic Safety Funds for 100% of construction contract costs only (Max \$500,000) under agreement CS-TSF-1945(731)--85-77
2. Army Post Road Widening from South Union Street to SE 5th Street being:
  - \$587,836.02 in Federal Stimulus Funds under the American Recovery and Reinvestment Act of 2009 for 100% of construction costs under agreement ESL-1945(758)--7S-77
  - \$400,000 in Iowa DOT Traffic Safety Funds for 100% of construction contract costs only (Max \$500,000) under agreement CS-TSF-1945(713)--85-77

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

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