

★ Roll Call Number

10:319

Agenda Item Number

55A

DATE February 22, 2010

APPROVAL OF CONTRACT AND BOND  
AND PERMISSION TO SUBLET ON  
E. ARMY POST ROAD/DOUGLAS AVENUE/41ST & 42ND STREET MEDIAN REPLACEMENT  
\$ 177,596.50

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$177,596.50, executed by Rocky Hurst Construction, Inc., Kaye L. Hurst, President, 3412 SW 9th Street, P.O. Box 36443, Des Moines, IA, 50315 dated February 22, 2010, for the construction of the following improvement:

E. Army Post Road/Douglas Avenue/41st & 42nd Street Median Replacement, 06-2010-001

The improvement includes removing medians, constructing curbs, medians, landscaping, traffic signal modifications, and other incidental items; in accordance with the contract documents, including Plans File Nos. 509-151/188, on E. Army Post Road from 1455 feet west of S.E. 14th Street to S.E. 14th Street, Douglas Avenue from Merle Hay Road to 59th Street, 41st Street from University Avenue to Forest Avenue, and 42nd Street from University Avenue to Forest 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 Meyer to adopt.

FORM APPROVED Kathleen Vanderpool  
 Kathleen Vanderpool  
 Deputy City Attorney

*FB* Funding Source: E. Army Post Road Median Replacement, STR238, Being:  
 \$143,313.50 in G. O. Bonds from STR238 for work on E. Army Post Road; \$15,120 in G. O. Bonds from STR134 (Traffic Median Island Replacement, Page Street-46) for work on Douglas Avenue; and \$19,163 on G. O. Bonds from STR131 (City-wide Neighborhood Traffic Control Program, Page Traffic-4) for work on 41st/42nd Streets

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
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