

★ Roll Call Number

10-676

Agenda Item Number

63

DATE April 26, 2010

REJECT ALL BIDS ON
2010 TENNIS COURT RESURFACING
AND TO CLOSE THE HEARING ON THE PLANS, SPECIFICATIONS, FORM
OF CONTRACT DOCUMENTS, AND ENGINEER'S ESTIMATE

WHEREAS, on March 22, 2010, under Roll Call No. 10-418, plans, specifications, form of contract documents, and Jurisdictional Engineer's estimate of construction cost were filed with the City Clerk for the construction of the following improvement:

2010 Tennis Court Resurfacing, 11-2010-013

The improvement includes construction on tennis court facilities located at Waveland Park and Birdland Park in Des Moines, Iowa, including crack repairs, joint sealing and joint repairs, court resurfacing, and finish color and striping on seventeen (17) tennis courts; in accordance with the contract documents including Plan File Numbers 517-019/027

WHEREAS, notice of the hearing on the plans, specifications, form of contract documents, and Jurisdictional Engineer's estimate of construction cost was published as required by law; and

WHEREAS, the Jurisdictional Engineer recommends rejection of all bids because only one bid was received, which was from Upper Midwest Athletic Construction, Division of Blacktop Repair Service, Inc., 16340 Nowthen Boulevard, Anoka, MN 55303. Staff at the bid opening could not open and read this bid because the bid security was not submitted on an acceptable form. Staff made contacts after the bid opening to determine why the other seven companies that indicated they were interested in bidding the project as a prime bidder did not submit a bid and discovered the following:

- Several companies were concerned that the allowable time windows for construction included in the completion provisions were too restrictive and did not give adequate time windows to complete the work. These contract provisions were written around the Parks Department requirements to keep the tennis courts open and available for certain tournaments and events that had already been scheduled this summer.
- Several companies did not have any experience with the "Armor Crack Repair System", which is new technology, and decided not to bid.
- Several companies either did not have time to prepare their bid or could not fit the specified construction time windows into their current work schedules.

Therefore, the City Engineer recommends that the project schedule be reevaluated and the project be bid at a later date..

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the hearing on the plans, specifications, form of contract documents, and Engineer's estimate of construction cost for said improvement be and is hereby **CLOSED**.

BE IT FURTHER RESOLVED: That sealed bids for said improvement were submitted by the following bidders:

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Upper Midwest Athletic Construction,

Anoka, MN
Bid not read


which were received and opened at a public meeting presided over by the Jurisdictional Engineer in the City Council Chambers, 2nd Floor, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa at 11:00 a.m. on April 13, 2010. Said bids and the attached tabulation of bids for said improvement be and are hereby accepted, received, and filed.

BE IT FURTHER RESOLVED: That all bids for said improvement, be and the same are hereby rejected because only one bid was received, which could not be opened and read because the bid security was not submitted on an acceptable form. The City Engineer is directed to reevaluate the project schedule and rebid the project at a later date.

(Council Communication No. 10-230)

Moved by Hensley to adopt.

FORM APPROVED Kathleen Vanderpool
Kathleen Vanderpool
Deputy City Attorney

 Funding Source: 2009-2010 CIP, Page PKS-15, Neighborhood Park Improvements, PKS137, G. O. Bonds

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|--|------|------|------|--------|
| COWNIE | ✓ | | | |
| COLEMAN | ✓ | | | |
| GRIESS | ✓ | | | |
| HENSLEY | ✓ | | | |
| MAHAFFEY | ✓ | | | |
| MEYER | ✓ | | | |
| MOORE | ✓ | | | |
| TOTAL | 7 | | | |
| MOTION CARRIED <u>T.M. Franklin Council</u> APPROVED | | | | |
| 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