



Roll Call Number

10-694

Agenda Item Number

8

DATE May 10, 2010

APPROVAL OF CONTRACT AND BOND AND PERMISSION TO SUBLET
FOR CONSTRUCTION OF AN IMPROVEMENT THE ESTIMATED COST
OF WHICH IS LESS THAN THE IOWA CODE COMPETITIVE BID THRESHOLD,
2201 FOREST AVENUE CONTAMINATED SOIL REMOVAL, ELDER CORPORATION, JARED R. ELDER
II, PRESIDENT, \$31,450.00

WHEREAS, Sections 26.3 and 26.12 of the Code of Iowa exempt the governing body from advertisement for sealed bids and holding a public hearing on the proposed plans, specifications, form of contract and estimated cost of the improvement when the Engineer's estimated cost the improvement is less than the competitive bid threshold established in Section 314.1B; and

WHEREAS, On February 12, 2007, under Roll Call No. 07-291, the Des Moines City Council approved bidding and contracting process changes for construction of improvements which included "Part II: New Competitive Quotation Process for Public Improvements" which the City Engineer has utilized for this project. These bidding and contracting process changes were also approved by the Des Moines International Airport Board on March 6, 2007, under Resolution Number A07-51; and

WHEREAS, the Des Moines City Engineer has prepared an estimate for construction of the following improvement:

- 2201 Forest Avenue Contaminated Soil Removal, 04-2010-013
- HUD CDBG Funding

The improvement includes overexcavation and hauling of petroleum-contaminated soil, along with backfill of the excavation with clean soil and compaction, and all necessary appurtenances and restoration, in accordance with the contract documents at 2201 Forest Avenue, Des Moines, Iowa

The estimated cost of said improvement is \$50,000.00, which is less than the competitive bid threshold established in Section 314.1B of the Code of Iowa. Iowa Code Section 26.14 does not require that competitive quotations be submitted with bid security; and

WHEREAS, the Des Moines City Engineer has solicited proposals for construction of said improvements in accordance with the process outlined above; and recommends award of contract to Elder Corporation, Jared R. Elder II, President, 5088 E. University Avenue, Des Moines, IA, 50327 in the amount of \$31,450.00, for construction of said improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the attached communication recommending construction of the following improvement and the method of financing; and also including the recommendation of the Des Moines City Engineer submitting plans, specifications, contract documents, and Engineer's estimate of cost for the construction of the following improvement:

- 2201 Forest Avenue Contaminated Soil Removal, 04-2010-013
- HUD CDBG Funding



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The improvement includes overexcavation and hauling of petroleum-contaminated soil, along with backfill of the excavation with clean soil and compaction, and all necessary appurtenances and restoration, in accordance with the contract documents at 2201 Forest Avenue, Des Moines, Iowa

be and the same are hereby approved and accepted. The estimated construction cost for said improvement is \$50,000.00, which is less than the competitive bid threshold established in Section 314.1B of the Code of Iowa; and

BE IT FURTHER RESOLVED: That this Council hereby determines that it is necessary and advisable to construct said improvement in the manner set forth in the plans, specifications, and contract documents submitted by the Des Moines City Engineer; and that payment for the cost of said improvement shall be paid from the funding source identified below.

BE IT FURTHER RESOLVED: That said plans, specifications, contract documents, and Engineer's estimate of construction cost are hereby approved as the plans, specifications, contract documents, and Engineer's estimate of construction cost for said improvement.

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

Elder Corporation	Des Moines, IA
MPS Engineers, P.C.	West Des Moines, IA
Sandstone Management, LTD.	Carlisle, IA
J. Pettiecord Inc.	Des Moines, IA
Barker, LeMar & Assoc., Inc.	West Des Moines, Ia
Unified Contracting Services, Inc.	Des Moines, IA

which were received and opened by the Des Moines City Engineer in the City Engineer's Office, 2nd Floor, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa 50309-1891 on April 26, 2010. Said bids and the attached tabulation of bids for said improvement be and are hereby received and filed.

BE IT FURTHER RESOLVED: That the Des Moines City Engineer has determined that the lowest responsive, responsible bid for the construction of said improvement was submitted by Elder Corporation, in the amount of \$31,450.00, and said bid be and the same is hereby accepted.



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BE IT FURTHER RESOLVED: That the Des Moines City Engineer has secured execution by the lowest responsive, responsible Bidder and its surety of the contract documents in the form approved by this Council.


BE IT FURTHER RESOLVED: That the contract and bond, in the amount of \$31,450.00, executed by Elder Corporation, dated May 10, 2010, for the construction of said improvements; the same to be performed in accordance with the plans and specifications which have been approved by this Council, be and the same are hereby approved. Since the estimated cost of said improvements was less than the competitive bid threshold, the DBE/TSB Program shall not apply to this work.

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.

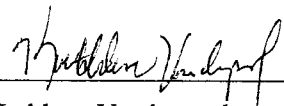
BE IT FURTHER RESOLVED: That the attached Permission to Sublet form, from said Contractor requesting permission to sublet designated items, be and is hereby approved; and each subcontractor is hereby granted permission to work on said improvement.

BE IT FURTHER RESOLVED: That the Des Moines Finance Director is hereby authorized to encumber this contract amount against the funds as identified below, make direct payment to the Metro Landfill for disposal of the contaminated soil, and to acquire Builder's Risk Insurance, if appropriate, for the above referenced improvement.

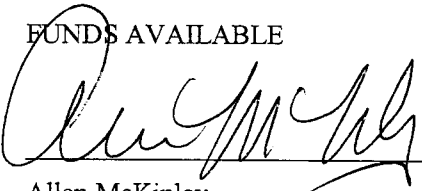
(City Council Communication Number 10-256 attached.)

Moved by  to adopt.

FORM APPROVED:


Kathleen Vanderpool
Deputy City Attorney

FUNDS AVAILABLE


Allen McKinley
Des Moines Finance Director



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Funding Source: Operating Budget, Page 70, CDD-Forest Avenue Redevelopment, CDBG2004034, Being: CDBG funds for payment of 100% of the contract cleanup cost. In addition, the City will directly pay the landfill costs for disposal of the contaminated soil under this Activity ID, which is also CDBG eligible and estimated at \$20,000. However, we anticipate reimbursement of approximately 2/3 of the cleanup and disposal cost from the Iowa Underground Storage Tank Insurance Program.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin Council

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