



Roll Call Number

10-983

Agenda Item Number

75

DATE June 14, 2010

PUBLIC HEARING, APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT DOCUMENTS, AND ENGINEER'S ESTIMATE ON 2010 TENNIS COURT RESURFACING; RECEIVE AND FILE BIDS; AND DESIGNATION OF LOWEST RESPONSIVE, RESPONSIBLE BIDDER AS BLACKTOP REPAIR SERVICE, INC. DBA UPPER MIDWEST ATHLETIC CONSTRUCTION, PATRICIA J. HICKS, PRESIDENT, \$89,979.90

WHEREAS, on May 10, 2010, under Roll Call No. 10-693, 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 work 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 Engineer's estimate of construction cost was published as required by law.

WHEREAS, on May 25, 2010, sealed bids for said improvement were received and opened at a public meeting presided over by the Jurisdictional Engineer, and the bid received from Blacktop Repair Service, Inc. dba Upper Midwest Athletic Construction, Patricia J. Hicks, President, 16340 Nowthen Boulevard, NW, Anoka, MN, 55303, was read under advisement because Upper Midwest Athletic Construction did not submit Page 3 of the Proposal Attachment with its bid; and

WHEREAS, said Page 3 of the Proposal Attachment includes part of the Contract Compliance Program Requirements (which did not apply to this project) and General Additional Requirements; however, the bidder is not required to provide any information on any of these missing pages. Ms. Terri Mevissen at Upper Midwest Athletic Construction stated that they will comply with the requirements, and inadvertently left the page out when they assembled their proposal. Even though Upper Midwest Athletic Construction did not return all the proposal sheets, Upper Midwest Athletic Construction did complete and returned all the proposal sheets requiring information to be supplied by the bidder. The Engineering Department will include said missing pages in the contract documents to be signed by Upper Midwest Athletic Construction. After further review, the Engineering and Legal Departments have determined that this was a minority irregularity that could be waived by the City Council.

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 Jurisdictional Engineer's estimate of construction cost for said improvement be closed; and that said plans, specifications, form of contract documents, and Jurisdictional Engineer's estimate of construction cost are hereby approved as the plans, specifications, form of contract documents, and Jurisdictional Engineer's estimate of construction cost for said improvement.

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BE IT FURTHER RESOLVED: That the City Council concurs in the recommendation of the Engineering Department and the Legal Department regarding the bid submitted by Blacktop Repair Service, Inc. dba Upper Midwest Athletic Construction, waives said minor irregularity, and hereby receives the bid submitted by Blacktop Repair Service, Inc. dba Upper Midwest Athletic Construction.

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

Blacktop Repair Service, Inc. dba	Anoka, MN
Upper Midwest Athletic	Bid read under advisement
Western Waterproofing Co., Inc.	West Des Moines, IA
	Bid read under advisement
ILLOWA Investment Inc.	Blue Grass, IA

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 May 25, 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 Jurisdictional Engineer has determined that the lowest responsive, responsible bid for the construction of said improvement was submitted by Blacktop Repair Service, Inc. dba Upper Midwest Athletic Construction, Patricia J. Hicks, President, 16340 Nowthen Blvd., Anoka, MN, 55303 in the amount of \$89,979.90, 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.

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BE IT FURTHER RESOLVED: That the Jurisdictional Engineer is hereby directed to secure execution by the lowest responsible, responsive Bidder and its surety of the contract documents in the form heretofore approved by this Council; that the Jurisdictional Engineer is directed to thereafter present said contract documents to this Council for approval and authorization to the Mayor to sign; and that 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.

(City Council Communication Number 10.352 attached.)

Moved by Coleman to adopt; refer to the City Manager and Park Board to consider adding Pickle-Ball courts in Des Moines.

FORM APPROVED:

Kathleen Vanderpool

Kathleen Vanderpool
Deputy City Attorney

FUNDS AVAILABLE

Allen McKinley

Allen McKinley
Des Moines Finance Director

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

RB

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