

★ **Roll Call Number**

10-1089

Agenda Item Number

56

DATE June 28, 2010

PUBLIC HEARING ON PUMP STATION EMERGENCY POWER GENERATION - PHASE 2 REGARDING:

- 1) APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT DOCUMENTS, AND ENGINEER'S ESTIMATE; AND
- 2) THE STATUS OF THE FUNDED ACTIVITIES UNDER IDED CONTRACT 08-DRI-205;

ALSO RESOLUTION TO RECEIVE AND FILE BIDS; DESIGNATION OF LOWEST RESPONSIVE, RESPONSIBLE BIDDER AS C. L. CARROLL CO., INC., JON P. RISSMAN, PRESIDENT, \$1,380,187.48: AND APPROVE AMENDMENT NO. 3 TO IDED CONTRACT NO. 08-DRI-205.

WHEREAS, on May 24, 2010, under Roll Call No. 10-785, 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:

Pump Station Emergency Power Generation - Phase 2, 08-2010-004, 08-DRI-205

The improvement includes installing new generators for various storm water pump stations, removing pavement and existing fence, and constructing new generator pads, fence, and Portland Cement Concrete driveways, surface restoration and other incidental items; in accordance with the contract documents, including Plan File Nos. 516-128/143, at the following storm water pump stations:

- Franklin Avenue Pump Station - Franklin Avenue and Ohio Street
- Clark Street Pump Station - Clark Street and Michigan Street
- Indiana Avenue Pump Station - Indiana Avenue and Vermont Street
- Birdland Pump Station - 2nd Avenue and the Birdland Levee
- Oxford Street Pump Station - Oxford Street and Guthrie Avenue

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; and

WHEREAS, on June 9, 2010, notice was also published of a hearing pursuant to the requirements of Section 508 of the Housing and Community Development Act of 1987, as amended. The purpose of the hearing is to discuss the status of funding for the installation of emergency stand-by power generators in the five storm water pump stations in the Central Place and Birdland basins, Iowa Department of Economic Development Contract Number 08-DRI-205. The grant improvement includes installing new generators for various storm water pump stations, removing pavement and existing fence, and constructing new generator pads, fence, and Portland Cement Concrete driveways, surface restoration and other incidental items at the five storm water pump stations. The project is being funded in part through a Community Development Block Grant provided by the Iowa Department of Economic Development and Des Moines Sanitary Sewer Funds, as detailed in the Council Communication.

WHEREAS, on June 15, 2010, sealed bids for said improvement were received and opened at a public meeting presided over by the Chief Civil Engineer. Upon evaluation of the bid received from C. L. Carroll Co., Inc., Jon P. Rissman, President, 3623 6th Avenue, Des Moines, Iowa, Staff discovered that Proposal: Part B- Acknowledgement of Addenda was not properly completed in that C. L. Carroll Co., Inc. did not acknowledge receipt of Addendum Number 1, which was issued by the City of Des Moines on June 9, 2010; and

WHEREAS, Engineering Department Staff contacted Jon P. Rissman, President, of C. L. Carroll Co., Inc., who has provided a letter dated June 16, 2010, which states that C. L. Carroll Co., Inc. acknowledges receipt of said Addendum Number 1, will comply with the requirements, and agrees to perform the work at the bid price on its proposal; and after further review, the Engineering and Legal Departments have determined that this was a minority irregularity that could be waived by the City Council.

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NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

That the hearing regarding:

- 1) the plans, specifications, form of contract documents, and Jurisdictional Engineer's estimate of construction cost for said improvement, and
- 2) on the status of funded activities under IDED Contract No. 08-DRI-205 including activities for the installation of emergency stand-by power generators in the five storm water pump stations in the Central Place and Birdland basins,

is hereby closed; and that

- 1) 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, and
- 2) the project funding as detailed in the Council Communication is hereby approved.

BE IT FURTHER RESOLVED: That the City Council hereby approves Amendment No. 3 to IDED Contract No. 08-DRI-205, a copy of which is attached to this roll call, which adds three additional emergency generators, located at 1813 2nd Avenue, 601 SW 5th Street, and 700 SW 7th Street into Contract No. 08-DRI-205; and hereby authorizes the Mayor to execute and submit to IDED the necessary grant amendments.

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 C. L. Carroll Co., Inc., waives said minor irregularity, and hereby receives the bid submitted by C. L. Carroll Co., Inc..

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

- | | |
|--|----------------|
| C. L. Carroll Co., Inc. | Des Moines, IA |
| Biermann's University Electric Company, Inc. dba Biermann Electric | Des Moines, IA |
| The Waldinger Corporation | Des Moines, IA |
| Baker Electric, Inc. | Des Moines, IA |
| Cramer and Associates, Inc. | Grimes, 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 June 15, 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 C. L. Carroll Co., Inc., Jon P. Rissman, President, 3623 6th Avenue, Des Moines, IA, 50313 in the amount of \$1,380,187.48, 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 10-405 attached.)

Moved by Moore to adopt.

FORM APPROVED:

Kathleen Vanderpool
Kathleen Vanderpool
Deputy City Attorney

FUNDS AVAILABLE

Allen McKinley
Allen McKinley
Des Moines Finance Director

Funding Source: 2010-2011 CIP, Page Storm-16, Storm Water Pump Station Emergency Power Generation, STE084,
Being: HUD Disaster funds from the Iowa Department of Economic Development for 100% of construction costs associated with the Pump Station Emergency Power Generation with a \$2,500,000 maximum in Federal Jumpstart Infrastructure Assistance funds

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

MOTION CARRIED

APPROVED

T. M. Franklin Cownie
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