

★ Roll Call Number

10-1155

Agenda Item Number

35 A

DATE July 12, 2010

APPROVAL OF CONTRACT AND BOND AND PERMISSION TO SUBLET ON
AGRIMERGENT UNDERGROUND ENVIRONMENTAL CLEANUP
\$84,250.00
AND AUTHORIZE DIRECT PAYMENT FOR LANDFILL DISPOSAL FEES.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$84,250.00, executed by J. Pettiecord Inc., Jeff L. Pettiecord, President, 5043 NE 22nd Street, Des Moines, IA, 50313 dated July 12, 2010, for the construction of the following improvement:

Agrimergent Underground Environmental Cleanup, 25-2010-109

The improvement includes overexcavation and hauling of contaminated drums, debris and soil, along with backfill of the excavation with clean soil and compaction, and all necessary appurtenances and restoration, in accordance with the contract documents including Plan File Nos. 520-159/162 at 1418 SE 38th Street, 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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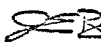
DATE July 12, 2010

BE IT FURTHER RESOLVED: The City Council hereby authorizes the City Engineer and Finance Director to make direct payment to the Metro Park East Landfill for disposal of construction and demolition waste at a special rate of \$35.00 per ton, and disposal of special waste that requires special waste permitting at the rate of \$50.00 per ton; and the Council also authorizes direct payment to Waste Management of Bennington, Nebraska a special rate of \$23.12 per ton for disposal and \$92.00 per hour for hauling the hazardous material that cannot be disposed of in Iowa.

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 for landfill disposal fees, 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

 Funding Source: 2010-2011 CIP, Page Miscellaneous-7, Economic Development Projects - SE Ag Park, URR035, TIF-Backed G. O. Bonds

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