

★ **Roll Call Number**

10-1263

Agenda Item Number

7

DATE August 9, 2010

REJECTION OF QUOTE SUBMITTED BY IOWA ATHLETIC FIELD CONSTRUCTION CO., AND APPROVAL OF CONTRACT AND BOND FOR CONSTRUCTION OF AN IMPROVEMENT THE ESTIMATED COST OF WHICH IS LESS THAN THE IOWA CODE COMPETITIVE BID THRESHOLD, GRANDVIEW GOLF COURSE NO. 9 GREEN RELOCATION, LEIBOLD IRRIGATION, INC., \$82,280.00

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:

Grandview Golf Course No. 9 Green Relocation, 11-2010-005

The improvement includes the relocation of an existing irrigation mainline, mass grading and shaping, construction of a new sand-based putting green, construction of a new sand bunker with sub-surface drainage, irrigation modifications, cart path construction, sodding and seeding; all in accordance with the contract documents including Plan File Nos. 498-151/153 at Grandview Golf Course, 2400 E. 29th Street, Des Moines, Iowa

The estimated cost of said improvement is \$80,900.00, 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



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WHEREAS, on July 26, 2010, competitive quotations for said improvement were received by the Des Moines City Engineer at 11:00 a.m.: and

WHEREAS, During the review of the bids by Des Moines Engineering Department Staff it was determined that the low bidder, Iowa Athletic Field Construction Co., Kurt Miller, Owner, 601 Third Street, Webster City, Iowa, 50595, does not meet the experience requirements stated in the Special Provision for Bidding Requirements in the contract documents, which provides as follows:

Because this is a specialized type of construction, only General Construction Bidders having prior experience on golf course projects will be considered. The General Construction Bidders, or the subcontractor who will be responsible for completing the golf course works, shall be required to have previously been the prime contractor and successfully completed the construction or reconstruction of at least one green each year for the past four (4) years. Bidders may not combine the experience of subcontractors to meet the minimum experience requirement. The irrigation subcontractor shall be required to have previous experience installing golf course irrigation systems of comparable size and must have installed a minimum of 2 complete eighteen hole golf course irrigation systems in the past 3 years.

WHEREAS, based on the information provided by Iowa Athletic Field Construction Co. dated July 28, 2010, Engineering Department Staff counted two green reconstruction projects and found no golf course irrigation experience as required in the experience requirements included in the bidding requirements special provision; and

WHEREAS, the Engineering and Legal Departments have determined that Iowa Athletic Field Construction Co. is not a responsive, responsible bidder since it does not meet the experience requirements stated in the Special Provision for Bidding Requirements in the contract documents, and the City Engineer recommends that the bid submitted by Iowa Athletic Field Construction Co. in the amount of \$79,300.00 be rejected and the contract be awarded to the next lowest bidder, Leibold Irrigation, Inc., Kevin Stieneke, Project Manager, 18950 County Highway 5 West, East Dubuque, IL, 61025m in the amount of \$82,280.00, which meets the experience requirements stated in the Special Provision for Bidding Requirements in the contract documents.

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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:

Grandview Golf Course No. 9 Green Relocation, 11-2010-005

The improvement includes the relocation of an existing irrigation mainline, mass grading and shaping, construction of a new sand-based putting green, construction of a new sand bunker with sub-surface drainage, irrigation modifications, cart path construction, sodding and seeding; all in accordance with the contract documents including Plan File Nos. 498-151/153 at Grandview Golf Course, 2400 E. 29th Street, Des Moines, Iowa

be and the same are hereby approved and accepted. The estimated construction cost for said improvement is \$80,900.00, 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 the City Council concurs in the recommendation of the Engineering Department and the Legal Department regarding the bid submitted by Iowa Athletic Field Construction Co. and the City Council hereby determines that the bid submitted by Iowa Athletic Field Construction Co. is not a responsive, responsible bidder since it does not meet the experience requirements stated in the Special Provision for Bidding Requirements in the contract documents, and the bid submitted by Iowa Athletic Field Construction Co. in the amount of \$79,300.00 be and is hereby rejected.

BE IT FURTHER RESOLVED: That the City Council concurs in the recommendation to award the contract to the next lowest responsible, responsive bidder, Leibold Irrigation, Inc., Douglas Wareham, Vice President, 18950 County Highway 5 West, East Dubuque, IL, 61025m in the amount of \$82,280.00, which meets the experience requirements stated in the Special Provision for Bidding Requirements in the contract documents.

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

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Iowa Athletic Field Construction Company	Webster City, IA
This bidder has been determined not to be a responsive, responsible bidder	
Leibold Irrigation, Inc.	East Dubuque, IL
Landscapes Unlimited, LLC	Lincoln, NE
Hartman Companies, Inc.	Victoria, MN
Duininck, Inc	Prinsburg, MN

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 July 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 Leibold Irrigation, Inc., in the amount of \$82,280.00, and said bid be and the same is hereby accepted.

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 \$82,280.00, executed by Leibold Irrigation, Inc., dated August 9, 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, subject to receipt of 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.

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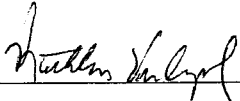
BE IT FURTHER RESOLVED: That the Des Moines Finance Director is hereby authorized to encumber this contract amount against the funds as identified below, and to acquire Builder's Risk Insurance, if appropriate, for the above referenced improvement.

(City Council Communication Number 10-497 attached.)

Moved by Moore to adopt.

FORM APPROVED:

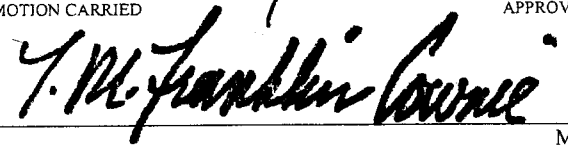
FUNDS AVAILABLE



Kathleen Vanderpool
Deputy City Attorney

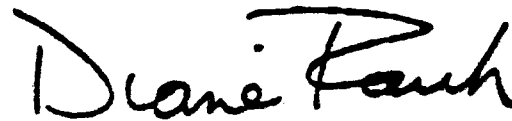
Allen McKinley
Des Moines Finance Director

Funding Source: 2010-2011 CIP, Page Park-7, First Tee, PKS171, G. O. Bonds

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



City Clerk