



**Roll Call Number**

**Agenda Item Number**

10-1357

7

DATE August 23, 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,  
BIRDLAND SHELTER SANITARY SEWER SERVICE RELOCATION, THE UNDERGROUND COMPANY,  
LTD., DUANE BURKHARDT, PRESIDENT, \$58,604.00

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:

Birdland Shelter Sanitary Sewer Service Relocation, 07-2010-014

The improvement includes construction of a 6" cast iron and PVC sanitary sewer service, sanitary manholes, removal and replacement of HMA parking lot, PCC sidewalk and composite street section, traffic control, sodding and clean up; all in accordance with the contract documents including Plan File Nos. 523-130/135, at the Birdland Shelter, 2100 Saylor Road, Des Moines, Iowa

The estimated cost of said improvement is \$70,000.00, 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 The Underground Company, Ltd., Duane Burkhardt, President, 12245 Dakota Street, Carlisle, IA, 50047 in the amount of \$58,604.00, 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:

Birdland Shelter Sanitary Sewer Service Relocation, 07-2010-014

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The improvement includes construction of a 6" cast iron and PVC sanitary sewer service, sanitary manholes, removal and replacement of HMA parking lot, PCC sidewalk and composite street section, traffic control, sodding and clean up; all in accordance with the contract documents including Plan File Nos. 523-130/135, at the Birdland Shelter, 2100 Saylor Road, Des Moines, Iowa

be and the same are hereby approved and accepted. The estimated construction cost for said improvement is \$70,000.00, 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:

- |                               |                     |
|-------------------------------|---------------------|
| The Underground Company, Ltd. | Carlisle, IA        |
| Priority Excavating LLC       | Des Moines, IA      |
| Van Hauen & Associates, Inc.  | Grimes, IA          |
| Corell Contractor, Inc.       | West 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 August 9, 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 The Underground Company, Ltd., in the amount of \$58,604.00, 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.

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BE IT FURTHER RESOLVED: That the contract and bond, in the amount of \$58,604.00, executed by The Underground Company, Ltd., dated August 23, 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.

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, and to acquire Builder's Risk Insurance, if appropriate, for the above referenced improvement.

(City Council Communication Number 10-527 attached.)

Moved by Hensley to adopt.

FORM APPROVED:

FUNDS AVAILABLE

Kathleen Vanderpool

Allen McKinley

Kathleen Vanderpool  
Deputy City Attorney

Allen McKinley  
Des Moines Finance Director

Funding Source: 2010-2011 CIP, Page Storm-10, Flood Protection System Improvements, FLD008, Storm Water Utility Funds



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

MOTION CARRIED APPROVED  
*J. M. Franklin*  
 Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, 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