

★ **Roll Call Number**

10-1776

Agenda Item Number

57

DATE October 25, 2010

PUBLIC HEARING, APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT DOCUMENTS, AND ENGINEER'S ESTIMATE ON COURT AVENUE & WATER STREET STORM WATER PUMP STATION; RECEIVE AND FILE BIDS; AND DESIGNATION OF LOWEST RESPONSIVE, RESPONSIBLE BIDDER AS LARSON & LARSON CONSTRUCTION LLC, JEFFREY C. LARSON, PRESIDENT, \$5,761,003.26

WHEREAS, on September 13, 2010, under Roll Call No. 10-1434, 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:

Court Avenue & Water Street Storm Water Pump Station, 08-2010-007
08-DRI-032

The improvement includes construction of a three pump storm water pump station including the installation of pumps and standby power generator preselected by the City of Des Moines, 72" diameter storm sewer construction and bore and jack 72" diameter storm sewer, sidewalk pavers, a Hot Mix Asphalt trail, and architectural features such as zinc coated structural features, glass screenings, lighting, concrete planting beds, landscaping, and miscellaneous associated work including cleanup and other incidental items; in accordance with the contract documents, including Plans File Nos. 522-065/158, located south of Court Avenue and east of Water Street along the west Des Moines River Levee in downtown Des Moines, Iowa

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, during review and evaluation of the proposals the City Engineer discovered that the apparent lowest bidder, Larson & Larson Construction LLC, struck out the total amount on Bid Item No. 4 and initialed that change, but failed to make the same change on the unit price for that bid item, for which there was only one estimated quantity for Bid Item No.4; and

Whereas, the City Engineer is able to ascertain from the Total Construction Cost and the correct amount listed in the total amount for Bid Item No. 4, that the bidders intent in the proposal was the dollar amount indicated in the total bid price; and

Whereas, the Supplemental Specifications provide, "In the case of discrepancy, the unit price shall govern; except in the case of an obvious, serious, clerical error where the City Engineer is able to determine the bidder's intent from the proposal; in which case, the Des Moines City Council may waive irregularities that are in best interest of the City of Des Moines, as long as the integrity of the bid process can be maintained."; and

Whereas, the City Engineer recommends that the City Council waive this as a minor irregularity and accepts the bid from Larson & Larson Construction LLC in the amount of \$5,761,003.26.

★ Roll Call Number

Agenda Item Number

10-1776

57

DATE October 25, 2010

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.

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 Larson & Larson Construction LLC, waives said minor irregularity, and hereby receives the bid submitted by Larson & Larson Construction LLC.

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

- | | |
|----------------------------------|----------------|
| Larson & Larson Construction LLC | Urbandale, IA |
| Cramer and Associates, Inc. | Grimes, IA |
| Iowa Bridge & Culvert, LC | Washington, 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 October 12, 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 Larson & Larson Construction LLC, Jeffrey C. Larson, President, 10703 Justin Drive, Urbandale, IA, 50322 in the amount of \$5,761,003.26, 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.

★ **Roll Call Number**

10-1776

Agenda Item Number

57

DATE October 25, 2010

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 10-633 attached.)

Moved by Hensley 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-6, Court Avenue/Water Street Sewer Separation, STE081, Being: \$2,385,931.49 in HUD Disaster funds (Federal Jumpstart Infrastructure Assistance funds) from the Iowa Department of Economic Development (\$2,072,773.46 being 65.48% of Phase 1 pump station construction costs to the remainder of the \$2,390,000 grant and \$313,158.02 being 65.71% of Phase 2 storm sewer construction costs for Bid Items 5, 6, and 7), \$1,843,521.04 in I-JOBS II Targeted Disaster Relief Grant funds being 32% of project cost, and the remaining \$1,531,550.73 in City Storm Water Utility Revenue Bonds issued from STE081

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE				✓
TOTAL	6			1

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