



Roll Call Number

11-0473

Agenda Item Number

40A

DATE March 14, 2011

APPROVAL OF CONTRACT AND BOND
AND PERMISSION TO SUBLET ON
COURT AVENUE AND WATER STREET SEWER SEPARATION
\$ 3,977,311.75

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$3,977,311.75, executed by H & W Contracting LLC, Thomas L. Hurd, President, 3416 West Hovland Avenue, Sioux Falls, SD, 57107 dated March 14, 2011, for the construction of the following improvement:

Court Avenue and Water Street Sewer Separation, 08-2009-003
08-DRI-032

The improvement includes construction of storm sewer ranging from 12" to 66" diameter, storm sewer structures, sanitary conflict structures, storm sewer jacked in place, watermain, traffic signal system, and portland cement concrete paving, subdrain, sidewalks, brick sidewalks and crosswalks, hot mix asphalt overlays, pavement markings, and miscellaneous associated work including cleanup and other incidental items; in accordance with the contract documents, including Plans File Nos. 527-024/101, located in Court Avenue from Water Street to 2nd Avenue, 2nd Avenue from Court Avenue to Grand Avenue, and Grand Avenue from 2nd Avenue to 3rd Street in downtown 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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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 11-108 attached)

Moved by Hensley to adopt.

FORM APPROVED Kathleen Vanderpool Deputy City Attorney

Funding Source: 2010-2011 CIP, Page Storm-6, Court Avenue/Water Street Sewer Separation, STE081, Being: \$1,296,841.98 in HUD Disaster funds (Federal Jumpstart Infrastructure Assistance funds) from the Iowa Department of Economic Development (remainder of the \$1,610,000 grant allocated for Phase 2 storm sewer construction costs), \$1,051,450.72 in I-JOBS II Targeted Disaster Relief Grant funds (remainder of the \$3,050,000 I-JOBS II Grant), \$913,569.78 City Storm Water Utility Funds, and the remaining \$715,449.27 in City Storm Water Utility Revenue Bonds issued

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL.

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.

MOTION CARRIED APPROVED T. M. Franklin Council Mayor

Diane Rauh City Clerk