



Roll Call Number

11-0475

Agenda Item Number

41A

DATE March 14, 2011

APPROVAL OF CONTRACT AND BOND
AND PERMISSION TO SUBLET ON
FLEUR DRIVE VIADUCT OVER AMERICAN DISCOVERY TRAIL REHABILITATION
\$ 1,123,427.72

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$1,123,427.72, executed by Herberger Construction Co., Inc., Dean Herberger, President, 2508 West 2nd Avenue, P.O. Box 326, Indianola, IA, 50125 dated March 14, 2011, for the construction of the following improvement:

Fleur Drive Viaduct over American Discovery Trail Rehabilitation, 12-2009-003
STP-U-1945(778)--27-77

The improvement includes rehabilitation of the superstructure and substructure, including cleaning and painting of the structural steel girders, replacement of the deck and expansion joints, repair of structural elements including piers, columns, and abutments, and replacement of barriers, sidewalks, and approach pavement; in accordance with the contract documents, including Plans File Nos. 525-108/152, on the Fleur Drive Viaduct over the American Discovery Trail located between Bell Avenue and George Flagg Parkway

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 11-150 attached)

Moved by Hensley to adopt.

FORM APPROVED Kathleen Vanderpool
Kathleen Vanderpool
Deputy City Attorney

Funding Source: 2010-2011 CIP, Page BRV-16, Structural Repair - Corrosion Protection, BRV039, Being:
Various funding sources as follows:

- \$823,427.72 in Gaming Monies;
- \$300,000 in Federal Surface Transportation Program (STP) funds being: 80% eligible const. costs only with \$300,000 max.

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

MOTION CARRIED

APPROVED

T. M. Franklin Council

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