

11-2147

48

DATE December 19, 2011

PUBLIC HEARING, APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT DOCUMENTS, AND ENGINEER'S ESTIMATE ON DEMOLITION AT SOUTHERN MEADOWS PHASE 2, 2800 SE 8TH STREET; RECEIVE AND FILE BIDS; AND DESIGNATION OF LOWEST RESPONSIVE, RESPONSIBLE BIDDER AS DECARLO DEMOLITION COMPANY, DAN DECARLO, PRESIDENT, \$137,900.00

WHEREAS, on November 21, 2011, under Roll Call No. 11-1937, plans, specifications, form of contract documents, and Engineer's estimate of construction cost were filed with the City Clerk, for the construction of the following improvement:

Demolition at Southern Meadows Phase 2, 2800 SE 8th Street, 25-2012-013
NSP-08-023

The improvement includes demolition, site clearance and disconnection of utilities of the Southern Meadows Apartments, 2800 S.E. 8th Street and the two nearby structures at 2933 Indianola Avenue, Des Moines, Iowa; all in accordance with the contract documents

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 its review and evaluation of the proposal submitted by Stanley Rebacz Trucking, Inc., the Engineering Department discovered that apparent low bidder, Stanley Rebacz Trucking, Inc, did not submit its proposal on the revised proposal form that was issued with Addendum No. 1, did not acknowledge the receipt of Addendum No. 1 in its proposal, and its proposal did not include page 10 of 10 of the proposal which was included with Addendum No. 1; and

WHEREAS, during its review and evaluation of the proposal submitted by D.W. Zinser Company, the Engineering Department discovered that the apparent second low bidder, D.W. Zinser Company also did not submit its proposal on the revised proposal that was issued with Addendum No. 1; and

WHEREAS, the SUDAS Standard Specifications, 2011 Edition, Section 1020, 1.06 – Addendum, states “Acknowledgement of the receipt of the addendum will be as provided in the proposal form”; and

WHEREAS, the SUDAS Standard Specifications, 2011 Edition, Section 1020, 1.11, A.1 – Irregular and Non Responsive Proposals, states “Proposals will be considered irregular and may be rejected for any unauthorized changes in the proposal form or – if submitted on a form other than that furnished by the Jurisdiction, or if the form is altered or any part thereof is detached or missing”; and

WHEREAS, the SUDAS Standard Specifications, 2011 Edition, Section 1030, 1.01, A – Acceptance or Rejection of Proposals, states “The Jurisdiction reserves the right to accept the proposal that, in its judgment is the is the lowest responsive, responsible bid; to reject any or all proposals; to reject irregular or Non Responsive proposals as defined in Section 1020, 1.11 – Irregular and Non Responsive Proposals”; and



Roll Call Number

11-2147

Agenda Item Number

48

DATE December 19, 2011

WHEREAS, Addendum No. 1 stated "a revised proposal with a white cover is being issued as part of the addendum and it shall be used by the bidder when submitting a bid on this project; each bidder shall acknowledge receipt of each addendum in its proposal in order to have its bid read and considered; the receipt of each addendum shall be acknowledged by insertion of the number of each addendum in the appropriate blank provided for such acknowledgement in the proposal";

WHEREAS, the City Engineer recommends that bid submitted by Stanley Rebacz Trucking, Inc, be considered non responsive and the bid be rejected for failure to submit its proposal on the revised proposal form that was issued with Addendum No. 1, for failing to acknowledge the receipt of Addendum No. 1 in its proposal, and failing to include page 10 of 10 of the proposal which was included with Addendum No. 1; and

WHEREAS, the City Engineer recommends that bid submitted by D.W. Zinser Company, be considered non responsive and the bid be rejected for failure to submit its proposal on the revised proposal form that was issued with Addendum No. 1.

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 Engineer's estimate of construction cost for said improvement be closed; and that said plans, specifications, form of contract documents, and Engineer's estimate of construction cost are hereby approved as the plans, specifications, form of 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 bids submitted by Stanley Rebacz Trucking, Inc. and D. W. Zinser Company as nonresponsive.



Roll Call Number

11-2147

Agenda Item Number

48

DATE December 19, 2011

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

- | | |
|-------------------------------|----------------|
| DeCarlo Demolition Company | Des Moines, IA |
| J. Pettiecord Inc. | Des Moines, IA |
| Elder Corporation | Des Moines, IA |
| Stanley Rebacz Trucking, Inc. | Hodgrins, IL |
| D. W. Zinser Company, Inc. | Walford, IA |

which were received and opened at a public meeting presided over by the Engineer in the City Council Chambers, 2nd Floor, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa at 11:00 a.m. on December 6, 2011. 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, as the Engineer, has determined that the lowest responsive, responsible bid for the construction of said improvement was submitted by DeCarlo Demolition Company, Dan DeCarlo, President, 260 NE 44th Avenue, Des Moines, IA, 50313 in the amount of \$137,900.00, 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**

Agenda Item Number

11-2147

48

DATE December 19, 2011

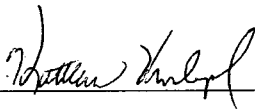
BE IT FURTHER RESOLVED: That the Engineer is hereby directed to secure execution by the lowest responsible, responsive Bidder and its surety of the contract documents in the form heretofore approved by this Council; that the Engineer is directed to thereafter present said contract documents to this Council 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 11-763 attached.)

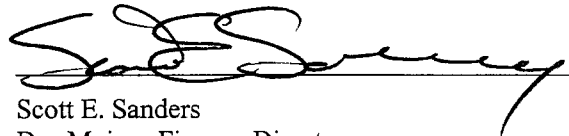
Moved by Meyer to adopt.

FORM APPROVED:


FUNDS AVAILABLE



Kathleen Vanderpool
Deputy City Attorney



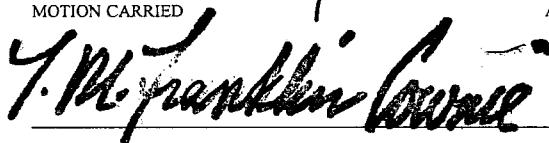
Scott E. Sanders
Des Moines Finance Director

 Funding Source: FY12 Operating Budget, Page 70, Unknown - Southern Meadows, CDBG2008901, Being: Community Development Block Grant (CDBG), Neighborhood Stabilization Program (NSP) funds contracted by the Iowa Department of Economic Development (IDED)

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

MOTION CARRIED

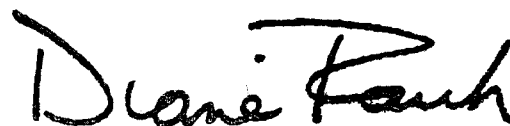
APPROVED



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