



**Roll Call Number**

12-1463

**Agenda Item Number**

39A

DATE September 10, 2012

APPROVAL OF CONTRACT AND BOND  
AND PERMISSION TO SUBLET ON  
EASTER LAKE DRIVE BRIDGE OVER EASTER LAKE REHABILITATION  
\$ 532,890.39

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$532,890.39, executed by Herberger Construction Co., Inc., Dean Herberger, President, 2508 West 2nd Avenue, P.O. Box 326, Indianola, IA, 50125 dated September 10, 2012, for the construction of the following improvement:

Easter Lake Drive Bridge over Easter Lake Rehabilitation, 12-2009-001  
STP-U-1945(777)--70-77

The improvement includes rehabilitation and widening of the existing bridge superstructure and substructure including clearing and grubbing, Class 10 excavation for roadway and channel, topsoil furnish and spread, shoulder finishing, bridge approach pavement, removals, excavation Class 20 and 21, structural concrete, bridge deck overlay, colored concrete sealer, epoxy reinforcing steel, longitudinal grooving, deck repair, aesthetic barrier rail, steel pedestrian handrails, steel piling, concrete pile encasements, engineering fabric and revetment, sidewalk, traffic control and flaggers, construction survey, pavement markings, erosion control, seeding and fertilizing, and mobilization; all in accordance with the contract documents including Plan File Nos. 546-001/033, located on Easter Lake Drive over Easter Lake between S.E. 32nd Street and S.E. 34th Street, 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 12-483 attached)

Moved by Meyer to adopt.

FORM APPROVED Kathleen Vanderpool Deputy City Attorney

Funding Source: 2012-2013 CIP, Page Bridge - 8, Easter Lake Drive over Branch of Easter Lake, BRV041, Being: \$245,000 in Federal Surface Transportation Program (STP) funds being 80% eligible construction costs only (Max \$245,000); \$65,632.80 - Des Moines Water Works; \$172,257.59 from BRV041, of which includes \$50,000 in Gaming Monies; with a transfer of \$50,000 G.O. Bonds from City-wide Bridges, Page Bridge-5, BRV003.

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