



**Roll Call Number**

13-0609

**Agenda Item Number**

54

DATE April 8, 2013

PUBLIC HEARING, APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT DOCUMENTS, AND ENGINEER'S ESTIMATE ON MUNICIPAL SERVICE CENTER - PHASE 1; RECEIVE AND FILE BIDS; AND DESIGNATION OF LOWEST RESPONSIVE, RESPONSIBLE BIDDER AS NEUMANN BROTHERS, INC., MARSHALL G. LINN III, PRESIDENT/CEO, \$15,005,900.00

WHEREAS, on February 25, 2013, under Roll Call No. 13-0286, 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:

Municipal Service Center - Phase 1, 10-2012-002

The improvement includes construction of a 88,000 square foot facility for the Park & Recreation Department, the Engineering Department's Traffic & Transportation, and Survey and Testing Lab Divisions, including administrative offices, shops, storage, and interior vehicle parking; all in accordance with the contract documents including Plan File Nos. 539-001/153, located at 1550 Scott Avenue, 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 its review and evaluation of the proposal submitted by AP Midwest, LLC/Samuels Group, Inc., a Joint Venture, it was discovered that two companies had submitted as a Joint Venture with both entities signing the proposal;

WHEREAS, the bid security submitted by AP Midwest, LLC/Samuels Group, Inc, a Joint Venture was executed by only Samuels Group, Inc., not AP Midwest, LLC; and

WHEREAS, staff checked the websites of the Secretary of State of Wisconsin, where Samuels Group is located and Minnesota, where AP Midwest, LLC is located and Iowa to see if the two entities had formed a separate entity for purposes of bidding on this project and found none; and

WHEREAS, staff has called both entities to try to ascertain whether they formed an entity for purposes of bidding on this project and staff's phone calls have been unreturned; and

WHEREAS, if the two companies did not form an entity for purposes of bidding on this project, then both entities needed to execute the bid security as they did the proposal; and

WHEREAS, Section 26.8 of the Iowa Code requires, "Each bidder shall accompany its bid with a bid security..."; and

WHEREAS, AP Midwest, LLC failed to sign the bid security to bind AP Midwest, LLC and therefore the City Engineer recommends that the bid be considered nonresponsive and the bid be rejected for failure to submit the required bid security.

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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 bid submitted by Neumann Brothers, Inc., waives said minor irregularity, and hereby receives the bid submitted by Neumann Brothers, Inc..

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

Neumann Brothers, Inc.	Des Moines, IA
Dean Snyder Construction Co.	Ankeny, IA
Larson & Larson Construction LLC	Urbandale, IA
The Hansen Company, Inc.	Johnston, IA
A & P/Samuels, a joint venture	Wausau, WI – Bid Rejected
Oakview dck, LLC	Red Oak, IA
Breiholz Construction Co.	Des Moines, IA
Rochon Corporation of Iowa, Inc.	Urbandale, IA
Stahl Construction Co.	St. Louis Park, MN

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 March 26, 2013. 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 Neumann Brothers, Inc., Marshall G. Linn III, President/CEO, 1435 Ohio Street, Des Moines, IA, 50314 in the amount of \$15,005,900.00, 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.



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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.

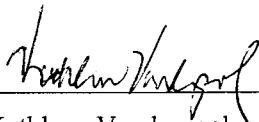
BE IT FURTHER RESOLVED: That the City Council hereby authorizes the necessary road closures for the Project.

(City Council Communication Number 13-182 attached.)

Moved by Meyer to adopt.

FORM APPROVED:

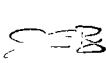
FUNDS AVAILABLE



Kathleen Vanderpool  
Deputy City Attorney



Scott E. Sanders  
Des Moines Finance Director

 Funding Source: \$15,005,900 (Construction Contract) 2013-2014 CIP, Page Building - 10, Municipal Service Center, BLD124, Being: \$4,497,260.80 (maximum) in Federal Surface Transportation Program (STP) funds being 80% eligible functional replacement costs under IDOT Project No. NHSX-U-1945(305)--8S-77, \$2,558,639.20 in TIF backed issued G.O. Bonds, \$7,950,000 in TIF backed G.O. Bonds to be issued (\$1,000,000 of the TIF to be issued was intended for STR219, S.E. Connector - that funding will be replaced by G.O. Bonds to be issued)



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

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