

15-0270

III

DATE February 23, 2015

ACCEPTING AND APPROVING THE CITY ENGINEER'S RECOMMENDATION WITH REGARD TO THE DISQUALIFICATION OF JENCO CONSTRUCTION, INC. FROM BIDDING ON FUTURE PUBLIC IMPROVEMENT CONSTRUCTION OR REPAIR CONTRACTS AS A CONTRACTOR AND FROM PARTICIPATING IN SUCH AS A SUBCONTRACTOR FOR A PERIOD OF THREE YEARS

WHEREAS, the Interim City Engineer, by letter dated December 19, 2014, notified Jenco Construction, Inc., Herluf, H.S. Jensen, President, 6804 NW 2nd Street, Des Moines, Iowa, 50313, that the Interim City Engineer would recommend disqualification of Jenco Construction, Inc. from bidding on future public improvement construction or repair projects as a contractor or from participating in such as a subcontractor for a period of three years, all as provided by Sections 94-198 and 94-199 of the Municipal Code of the City of Des Moines; and

WHEREAS, in response to the December 19, 2014 notification letter, Jenco Construction, Inc, made a timely request for a hearing pursuant to Section 94-199(b) of the Municipal Code; and

WHEREAS, in compliance with Section 94-199 of the Municipal Code, the hearing was scheduled and held on January 8, 2015 at 10:00 a.m. in the City Council chambers where Jenco Construction, Inc. presented evidence and information as to why it should not be disqualified; and

WHEREAS, on February 5, 2015 the City Engineer made a written Report and Recommendation to the Des Moines City Council, as attached, that Jenco Construction, Inc. be disqualified from participating in the construction of public improvements under public improvement contracts with the City of Des Moines for a period of three years; and

WHEREAS, the City Engineer's Report and Recommendation was mailed to all parties participating in the hearing pursuant to the Section 94-199 of the Municipal Code; and

WHEREAS, that Report and Recommendation documents that the City Engineer considered the evidence and argument at the January 8, 2015 hearing, the performance of Jenco Construction, Inc. on the Grand Avenue Bridge over Walnut Creek project including numerous incidents and actions by Jenco meeting the standards for disqualification set for in Section 94-198(1) and (2) of the Municipal Code and found that Jenco Construction, Inc. has continually failed to remove and replace work found by the City Engineer not to be in reasonably close conformity with the contract documents and continually and, in the judgment of the City Engineer, without good cause therefore failed to carry on the work in an acceptable manner; and

WHEREAS, pursuant to Section 94-199 of the City Code, the City Council may accept or reject the recommendation of the City Engineer.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA

1. That the Report and Recommendation of the City Engineer, which Report and Recommendation is attached hereto and made a part hereof, be and it hereby is accepted, approved and adopted as the finding and determination of the City Council.

★ Roll Call Number

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2. That it be and it is hereby found and determined that Jenco Construction, Inc. has :
- Continually failed or refused to remove and replace materials or work found by the City Engineer not to be in reasonably close conformity with the contract documents or to correct such material or work so as to cause such materials or finished product to be reasonable acceptable work;
 - Continually and, in the judgment of the City Engineer, without good cause therefore failed to carry on the work in an acceptable manner or refused to comply with a written order of the engineer within a reasonable time.
3. That Jenco Construction, Inc. be and is hereby disqualified from bidding on future public improvement construction or repair contracts and from participating in such as a subcontractor for the City of Des Moines as provided in Sections 94-198 and 94-199 of the Municipal Code for a period of three years from and after the date of this resolution; provided however, this disqualification shall not affect the contracts previously approved by this Council.

Moved by Hensley to adopt.

FORM APPROVED

Kathleen Vanderpool
Kathleen Vanderpool
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

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