



**Roll Call Number**

**Agenda Item Number**

15-0543

51

DATE March 23, 2015

PUBLIC HEARING, APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT  
DOCUMENTS, AND ENGINEER'S ESTIMATE ON  
E. EUCLID & DIXON TRAFFIC SIGNAL UPGRADE;  
RECEIVE AND FILE BIDS; AND DESIGNATION OF LOWEST RESPONSIVE, RESPONSIBLE  
BIDDER AS T K CONCRETE INC., TONY J. VER MEER, PRESIDENT, \$375,902.50

WHEREAS, on February 23, 2015, under Roll Call No. 15-0276, 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:

E. Euclid & Dixon Traffic Signal Upgrade, 04-2014-002  
CS-TSF-1945(800)--85-77

The improvement includes removing existing Portland Cement Concrete (PCC) median, curb, and traffic signals, and replace with new PCC median, curb, traffic signals, and other incidental items; all in accordance with the contract documents, including Plan File Nos. 560-211/234, located at the intersection of E. Euclid Avenue (U.S. Highway 6) and Dixon Street, 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 proposals submitted by all bidders, TK Concrete, Inc. and Baker Electric, Inc., the Engineering Department discovered that apparent second low bidder, Baker Electric, Inc., incorrectly summed the totals for each bid item; when the corrected total construction bid amount was calculated, it resulted in Baker Electric, Inc. now being apparent low bidder, leaving TK Concrete, Inc. as apparent second low bidder; and

WHEREAS, during its review and evaluation of the proposal submitted by Baker Electric, Inc., the Engineering Department discovered the now apparent low bidder, Baker Electric, Inc. did not complete Proposal: Part F Item 1 – Identity of Subcontractors, over \$25,000, which requires identification of subcontractors performing over \$25,000 in work, in accordance with Council policy; and

WHEREAS, the apparent low bidder, Baker Electric, Inc., indicated they would be having subcontracting work that exceeds \$25,000, however they were not able to provide documentation of any subcontracting quotes received prior to bid opening for the work exceeding \$25,000; and

WHEREAS, Council policy requires the bidder to identify subcontractors performing over \$25,000 in work on Proposal: Part F Item 1 – Identity of Subcontractors, and since the apparent low bidder, Baker Electric, Inc., could not provide documentation any subcontracting quote was received prior to bid opening, the City Engineer recommends that the bid submitted by Baker Electric, Inc. be considered non responsive and the bid be rejected for failure to complete Proposal: Part F Item 1 – Identity of Subcontractors, over \$25,000; and

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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 sealed bids for said improvement were submitted by the following bidders:

T K Concrete Inc.

Pella, IA

Baker Electric, Inc.

Des Moines, IA – Bid rejected

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 10, 2015. 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 T K Concrete Inc., Tony J. Ver Meer, President, 1608 Fifield Road, Pella, IA, 50219 in the amount of \$375,902.50, 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.

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.

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

(City Council Communication Number 15-150 attached.)Moved by Mahaffey to adopt.

FORM APPROVED:

Kathleen Vanderpool  
Deputy City Attorney

FUNDS AVAILABLE

Daniel E. Ritter  
Interim Des Moines Finance Director

*psl* Funding Source: 2015-2016 CIP, Page Streets - 44, Traffic Signals, Channelization, and School Crossings, TR091,  
Being: \$150,000 (Max) in Iowa DOT Traffic Safety Improvement Program Funds; and the remaining \$225,902.50  
G.O. Bonds.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE		✓		
TOTAL	6	1		

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