

★ **Roll Call Number**

16-0235

**Agenda Item Number**

38A

DATE February 8, 2016

APPROVAL OF CONTRACT AND BOND  
AND PERMISSION TO SUBLET ON  
BIRDLAND PARK TRAIL CONNECTION  
\$ 151,580.00

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$151,580.00, executed by T K Concrete Inc., Tony J. Ver Meer, President, 1608 Fifield Road, Pella, IA, 50219 dated February 8, 2016, for the construction of the following improvement:

Birdland Park Trail Connection, 11-2015-009  
B-14-MC19-0003

The improvement includes constructing new 5 inch thick Portland Cement Concrete (P.C.C.) trail, P.C.C. curb and gutter, Hot Mix Asphalt (HMA) pavement, 6 inch thick driveways, 6 inch thick P.C.C. curb ramps, pavement removal, grading, seeding, traffic control and other incidental items; all in accordance with the contract documents, including Plan File Nos. 569-001/016, located in Birdland Park along Saylor Road from the Birdland Marina to Guthrie Avenue, 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 16-061 attached)

Moved by Moore to continue to February 22, 2016 at 5:00 pm and refer to the City Manager to review the tree protection program.

FORM APPROVED Kathleen Vanderpool  
Kathleen Vanderpool  
Deputy City Attorney

AE Funding Source: 2015-2016 CIP, Page Parks – 7, Multi-Use Trails, PK045, Being: \$75,000 in CDBG funds (Community Development Block Grant) from the Iowa Department of Economic Development (50% of construction cost, maximum \$75,000), and the remaining \$76,580 in GO Bonds, PK045

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
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