

★ **Roll Call Number**

17-1694

**Agenda Item Number**

57

DATE September 25, 2017

PUBLIC HEARING, APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT DOCUMENTS, AND ENGINEER'S ESTIMATE ON  
2017 SEWER REPAIR - CONTRACT 1;  
RECEIVE AND FILE BIDS; AND DESIGNATION OF LOWEST RESPONSIVE, RESPONSIBLE BIDDER AS EJM PIPE SERVICES, INC., TIM CULP, VICE PRESIDENT - UTILITIES DIVISION, \$361,570.25

WHEREAS, on August 28, 2017, under Roll Call No. 17-1446, 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:

2017 Sewer Repair - Contract 1, 08-2017-002

The improvement includes the construction of storm sewers, manholes, intakes, gabion basket walls, Portland Cement Concrete (PCC) and Hot Mix Asphalt (HMA) pavement replacement, seeding, surface restoration, and other incidental items; in accordance with contract documents, including Plan File Nos. 585-205/238 at three locations: Lower Beaver Road from Valdez Court to Twana Drive, Ashby Park at 3200 38th Street, and Harmon Park at 2900 SW 26th Street, all in 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 review and evaluation of the proposals the Engineer discovered that the apparent lowest bidder, EJM Pipe Services, Inc., included a signature and date in the notary public section however the notary public stamp was missing and the commission expiration was not completed; and

WHEREAS, the Instructions to Bidders states the Bidder shall sign the proposal and have the signature notarized; and WHEREAS, it was later learned that the individual who signed was not a notary; and

WHEREAS, SUDAS Section 1030, 1.01, A. – Acceptance or Rejection of Proposals, states the Jurisdiction reserves the right to accept a proposal that, in its judgement is the lowest responsive responsible bid, and to waive irregularities in the proposal to the extent allowed by law; and

WHEREAS, the fact that the signature of the bidder was not notarized is a minor irregularity that may be waived; and

WHEREAS, the City Engineer recommends that the City Council waive the omission of the notary as a minor irregularity and accept the bid from EJM Pipe Services, Inc. in the amount of \$361,570.25.

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.

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

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|---|----------------|
| EJM Pipe Services, Inc.                         | Columbus, MN   |
| MPS Engineers, P.C. dba Kingston Services, P.C. | Des Moines, IA |
| J & K Contracting, LLC                          | Ames, IA       |
| Synergy Contracting, LLC                        | Bondurant, IA  |
| Raccoon Valley Contractors, LLC.                | Waukee, IA     |

which were received and opened at a public meeting presided over by the Engineer in the Shijiazhuang Room, 2nd Floor, City Administration Building, 400 E. Court Avenue, Des Moines, Iowa at 11:00 a.m. on September 12, 2017. 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 EJM Pipe Services, Inc., Tim Culp, Vice President - Utilities Division, 14461 Lake Drive, Columbus, MN, 55025 in the amount of \$361,570.25, 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 in accordance with the Instructions to Bidders.

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 17-1693 attached.)

Moved by Gray to adopt.

FORM APPROVED:

FUNDS AVAILABLE

Kathleen Vanderpool  
Kathleen Vanderpool  
Deputy City Attorney

Robert L. Fagen  
Robert L. Fagen  
Des Moines Finance Director

AC Funding Source: 2017-2018 CIP, Page Storm – 4, City-wide Storm Water Utility Projects, SM057, Storm Water Utility Funds

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

MOTION CARRIED

*Chris Coleman*

APPROVED

MAYOR PRO TEM

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