

★ Roll Call Number

180941

Agenda Item Number

76A

DATE May 21, 2018

APPROVAL OF CONTRACT AND BOND
AND PERMISSION TO SUBLET ON
EMC OVERLOOK AT MACRAE PARK
\$ 728,500.00

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$728,500.00, executed by Koester Construction Company, Inc., Paul Koester, President, 3050 SE Enterprise Drive, Suite A, Grimes, IA, 50111 dated May 21, 2018, for the construction of the following improvement:

EMC Overlook at MacRae Park, 11-2017-010

The improvement includes new concrete foundations, colored concrete walkways, weathering steel structure fabrication and installation, aluminum plank decking system, custom fabricated guardrails with integrated handrail lighting system, exposed wood decking and standing seam metal roof system, flagpole, signage, new electrical service, lighting, limestone site elements, landscaping and surface restoration; all in accordance with the contract documents including Plan File Nos. 582-134/160, located in MacRae Park, 1021 Davis 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 and bond approved as to form by the Legal Department, and certificate of insurance acceptable to the Engineering Department. 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 and bond approved as to form by the Legal Department, and certificate of insurance acceptable to the Engineering and Department, 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 in accordance with the Instructions to Bidders.

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 and bond approved as to form by the Legal Department, and certificate of insurance acceptable to the Engineering Department; 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 18.263 attached)

Moved by Mandelbaum to adopt.

FORM APPROVED Kathleen Vanderpool
 Kathleen Vanderpool
 Deputy City Attorney

SLN Funding Source: 2018-2019 CIP, Page Park-7, MacRae Park Improvements, PK179, Being: \$600,000 in private donations, and the remaining \$128,500 in G.O. Bonds

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN				✓
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	4			1

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