

★ **Roll Call Number**

18-1873

**Agenda Item Number**

49A

DATE November 5, 2018

APPROVAL OF CONTRACT AND BOND  
AND PERMISSION TO SUBLET ON  
FOUR MILE CREEK WETLAND AT E. 34TH STREET AND S.E. 14TH STREET BIOSWALES  
\$ 395,924.50

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$395,924.50, executed by MPS Engineers, P.C. dba Kingston Services, P.C., Umesh G.Shetye, President, 1444 Illinois Street, Des Moines, IA, 50314 dated November 5, 2018, for the construction of the following improvement:

Four Mile Creek Wetland at E. 34th Street and S.E. 14th Street Bioswales, 08-2018-004  
CRDL WBMBALM, Urban17WQI--008

The improvement includes excavation, modified soil backfill, subdrain, Reinforced Concrete Pipe (RCP), storm sewer control structures, riprap revetment, native grass, conventional seeding, wetland plantings, and other associated and incidental items; all in accordance with contract documents, including Plan File Nos. 598-132/150, located along S.E. 14th Street near McKinley Avenue and 2403 E. 34th Street, 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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18.1813

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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 18.538 attached)

Moved by Gatto to adopt.

FORM APPROVED Kathleen Vanderpool Deputy City Attorney

Funding Source: 2018-2019 CIP, Page Storm - 4, City-wide Storm Water Utility Projects, SM057, Storm Water Utility Funds, Being:

SLN Anticipated \$164,765 in IDNR Clean Water Act Section 319 EPA Grants funds \$75,000 U.S. Dept. of Agriculture, Iowa Department Agricultural Land Stewardship Grant funding (50% of construction costs, \$75,000 maximum); and the remaining \$156,159.50 Storm Water Utility Funds

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL.

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 J. M. Franke Cownie Mayor

Diane Rauh City Clerk