

★ Roll Call Number

18-1879

Agenda Item Number

52A

DATE November 5, 2018

APPROVAL OF CONTRACT AND BOND
AND PERMISSION TO SUBLET ON
MACRAE PARK POND DREDGING
\$ 933,055.50

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$933,055.50, executed by C. J. Moyna & Sons, Inc., John P. Moyna, President, 24412 Hwy 13, Elkader, IA, 52043 dated November 5, 2018, for the construction of the following improvement:

MacRae Park Pond Dredging, 11-2018-005

The improvement includes clearing and grubbing, Class 10 dredging, grading, removal of headwalls, removal of storm sewer, 15" Reinforced Concrete Pipe (RCP) storm sewer, 48" RCP storm sewer, manholes, intakes, Portland Cement Concrete (PCC) pavement, full depth patching, modular block retaining walls, rip rap placement, gabion mat installation, traffic control, seeding, and miscellaneous associated work including cleanup and restoration; in accordance with the contract documents, including Plan File Nos. 598-151/175, located in MacRae Park, 2235 SW 11th 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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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 18-541 attached)

Moved by Mandelbaum to adopt.

FORM APPROVED Kathleen Vanderpool Deputy City Attorney

SLN Funding Source: 2018-2019 CIP, Page Park-19, Urban Conservation Projects, PK167, Being: \$200,000 in G.O Bonds, and the remaining \$733,055.50 in Storm Water Utility Funds transferred from SM057

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL (7).

MOTION CARRIED APPROVED J. M. Franklin Cownie 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