

★ Roll Call Number

18-2022

Agenda Item Number

44 A

DATE December 3, 2018

APPROVAL OF CONTRACT AND BOND
AND PERMISSION TO SUBLET ON
SHEET PILE RETAINING WALL REPAIR ON TRESTLE TO TRESTLE TRAIL EAST OF BEAVER AVENUE
\$ 552,476.00

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$552,476.00, executed by Herberger Construction Company, Inc., Dean Herberger, President, 2508 West 2nd Avenue, P.O. Box 326, Indianola, IA, 50125 dated December 3, 2018, for the construction of the following improvement:

Sheet Pile Retaining Wall Repair on Trestle to Trestle Trail East of Beaver Avenue 04-2019-006

The improvement includes the repair of the Trestle to Trestle Trail, including Hot Mix Asphalt (HMA), subdrains, sheet piling, Class E revetment, and 18-inch storm sewer pipe; all in accordance with the contract documents, including Plan File Nos. 574-111/113, located along the Des Moines River east of Lower Beaver Road, 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 18-641 attached)

Moved by Coleman to adopt.

FORM APPROVED _____

Kathleen Vanderpool
Deputy City Attorney

SLN Funding Source: 2018-2019 CIP, Page Parks – 8, Multi-Use Trails, PK045, G. O. Bonds

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY		✓		
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	6	1		

MOTION CARRIED

APPROVED

J. M. Frankhu 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