



**Roll Call Number**

19-0092

**Agenda Item Number**

56

DATE January 14, 2019

**PUBLIC HEARING, APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT DOCUMENTS, AND ENGINEER'S ESTIMATE ON LOWER OAK AND HIGHLAND PARK SEWER SEPARATION PHASE 3; RECEIVE AND FILE BIDS; AND DESIGNATION OF LOWEST RESPONSIVE, RESPONSIBLE BIDDER AS J & K CONTRACTING, LLC, JEREMY FELDMANN, PRESIDENT, \$4,747,474.74**

WHEREAS, on December 3, 2018, under Roll Call No. 18-1968, 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:

Lower Oak and Highland Park Sewer Separation Phase 3, 07-2018-005

The improvement includes Reinforced Concrete Pipe (RCP) storm sewer 12-inches to 48-inches, water main adjustments, water services, manholes, intakes, Hot Mix Asphalt (HMA) pavement, sidewalks, driveways, associated grading, surface restoration, permeable pavers, and other incidental items; all in accordance with the contract documents, including Plan File Nos. 599-225/305, located on; E. Holcomb Avenue from 2nd Avenue to 1st Street, 1st Street from E. Holcomb Avenue to Ovid Avenue, Sheridan Avenue from Cambridge Street to Saylor Road, Cornell Street from Sheridan Avenue to Grandview Avenue, Grandview Avenue from Cornell Street to Columbia Street, Hull Avenue from 1st Street to Cambridge Street, Ovid Avenue from 1st Street to Oxford Street, Oxford Street from Hull Avenue to Tiffin Avenue and Tiffin Avenue from Oxford Street to Cambridge Street, 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 City Engineer discovered that the apparent low bidder, J & K Contracting, LLC, failed to return SRF Attachments 4 and 5 and therefore its bid was read under advisement; and

WHEREAS, SRF Attachment 3 was returned and said Attachment clearly indicated Disadvantaged Business Enterprises (DBE) were solicited however no DBE's were to be utilized, and the City Engineer was able to ascertain from submitted Attachment 3 that no DBE's were needing to be indicated on an Attachment 4 or 5; and

WHEREAS, the State SRF representatives have previously indicated as long as Attachment 3 clearly indicates no DBE's are to be utilized then Attachments 4 or 5 are not necessary; and

WHEREAS, the Supplemental Specifications provide, "In the case of discrepancy, except in the case of an obvious, serious, clerical error where the Des Moines City Engineer is able to determine the bidder's intent from the proposal; in which case, the Des Moines City Council may waive irregularities that are in the best interest of the City of Des Moines, as long as the integrity of the bid process can be maintained."; and

WHEREAS, the City Engineer recommends that the City Council waive this as a minor irregularity and accepts the bid from J & K Contracting, LLC in the amount of \$4,747,474.74.

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:

- |                                  |               |
|----------------------------------|---------------|
| J & K Contracting, LLC           | Urbandale, IA |
| Rognes Corp.                     | Ankeny, IA    |
| Raccoon Valley Contractors, LLC. | Waukee, IA    |

which were received and opened at a public meeting presided over by the Engineer in the City Council Chambers, 2nd Floor, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa at 11:00 a.m. on December 18, 2018. 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 J & K Contracting, LLC, Jeremy Feldmann, President, 10703 Justin Drive, Urbandale, IA, 50322 in the amount of \$4,747,474.74, 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 19-016 attached.)

Moved by Westergaard to adopt.

FORM APPROVED:

Kathleen Vanderpool  
Deputy City Attorney

FUNDS AVAILABLE

Robert L. Fagen  
Des Moines Finance Director

SLW

Funding Source: 2018-2019 CIP, Page Sanitary – 5, Lower Oak Park and Highland Park Sewer Separation, SS133, Being: \$4,672,474.74 in SRF Funding to be equally split for sanitary and storm sewer construction; and the remaining \$75,000 from Des Moines Water Works



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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

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

City Clerk