



**Roll Call Number**

19-0325

**Agenda Item Number**

51A

DATE February 25, 2019

APPROVAL OF CONTRACT AND BOND  
AND PERMISSION TO SUBLET ON  
PARKS AND TRAIL STORM WATER REPAIR CONTRACT - CATEGORY G  
\$ 242,586.00

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$242,586.00, executed by RW Excavating Solutions, LC, Dan E. Wilson, Managing Member, 13293 S.88th Avenue W, Prairie City, IA, 50228 dated February 25, 2019, for the construction of the following improvement:

Parks and Trail Storm Water Repair Contract- Category G, 11-2019-003

The improvement includes installation of 24-inch corrugated metal pipe (CMP) storm sewer, manholes, Class 10 excavation, Portland Cement Concrete (PCC) trail, rip rap, fencing, erosion control, surface restoration and other incidental items; all in accordance with contract documents, including Plan File Nos. 605-218/225, located near McHenry Park by 3312 8th Street, at Harmon Park (3900 S.W. 26th Street), and the Gay Lea Wilson Trail near the intersection of E. 33rd Street and Hubbell Avenue in 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 19-070 attached)

Moved by Coleman to adopt.

FORM APPROVED Kathleen Vanderpool  
 Kathleen Vanderpool  
 Deputy City Attorney

*SN* Funding Source: 2018/19 AmendOperat., Page 88, S854 Storm Mitigation/Recovery, OP208, Being: \$206,198.10 anticipated FEMA Funding (85% of Construction Costs); and the remaining \$36,387.90 in Storm Water Utility Funds, City-wide Storm Water Utility Projects, SM057

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

MOTION CARRIED APPROVED

J. M. Frankie 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