



Roll Call Number

19-0945

Agenda Item Number

66A

DATE June 3, 2019

APPROVAL OF CONTRACT AND BOND  
AND PERMISSION TO SUBLET ON  
WITMER PARK IMPROVEMENTS  
\$ 1,103,550.90

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$1,103,550.90, executed by Koester Construction Company, Inc., Paul Koester, President, 3050 SE Enterprise Drive, Suite A, Grimes, IA, 50111 dated June 3, 2019, for the construction of the following improvement:

Witmer Park Improvements, 11-2018-009  
18-R4-FB

The improvement includes clearing and grubbing, Class 10 excavation, pond dredging, dewatering, removal of pavement, miscellaneous removals, electrical service installation, storm sewer installation, Portland Cement Concrete (PCC) pavement, PCC steps, modular block retaining wall, pavement markings, traffic control, seeding, and miscellaneous associated work including cleanup and restoration; all in accordance with the contract documents, including Plan File Nos. 610-157/313, located in Witmer Park, 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 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 19-245 attached)

Moved by Gray to adopt.

FORM APPROVED Kathleen Vanderpool  
 Kathleen Vanderpool  
 Deputy City Attorney

**SLN** Funding Source: 2019-2020 CIP, Page Park - 27, Witmer Park Improvements, PK184, Being: \$171,527 in G.O. Bonds, \$200,000 in G.O. Bonds to be issued, \$252,168 IDNR REAP Grant, Agreement 18-R4-FB; \$283,775.96 in G.O. Bonds transferred from PK167- Urban Conservation and \$150,000 from PK175 - Multi-Purpose Trails, and the remaining \$46,079.94 in G.O. Bonds transferred from SW081

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