



Roll Call Number

19-1153

Agenda Item Number

67A

DATE July 15, 2019

APPROVAL OF CONTRACT AND BOND  
AND PERMISSION TO SUBLET ON  
YEADER CREEK STREAM STABILIZATION IMPROVEMENTS, PHASE 2  
\$ 3,076,133.60

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$3,076,133.60, executed by RW Excavating Solutions, LC, Dan E. Wilson, Managing Member, 13293 S.88th Avenue W, Prairie City, IA, 50228 dated July 15, 2019, for the construction of the following improvement:

Yeader Creek Stream Stabilization Improvements, Phase 2, 08-2018-008  
Anticipated Iowa DNR Lake Restoration Funds

The improvement includes clearing & grubbing, excavation, grading of channel banks, storm sewer, placement of rip rap bank protection, fence, Native Seeding and Urban Seeding, and other incidental items; all work in accordance with the contract documents, including Plan File Nos. 607-063/192, located along Yeader Creek in five areas from west of Indianola Avenue to east of SW. 9th 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 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 19-309 attached)

Moved by Gatto to adopt.

FORM APPROVED Kathleen Vanderpool  
 Kathleen Vanderpool  
 Deputy City Attorney

SLN Funding Source: 2019-2020 CIP, Page Storm – 7, Easter Lake Watershed Improvements, SM061, Being: \$1,150,000 in SRF Sponsored Projects funding through Lower Oak Park and Highland Park Sewer Separation project (SRF# CS1920 781 01); combined \$936,480 in funding from a combination of Lake Restoration and 319 funding; and the remaining \$989,653.60 in Storm Water Utility Funds.

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