



Roll Call Number

19-2072

Agenda Item Number

68 ✓

DATE December 16, 2019

PUBLIC HEARING, APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT DOCUMENTS, AND ENGINEER'S ESTIMATE ON DES MOINES FIRE STATION NO. 11; RECEIVE AND FILE BIDS; AND DESIGNATION OF LOWEST RESPONSIVE, RESPONSIBLE BIDDER AS ROCHON CORPORATION OF IOWA, INC., RUSSELL CAREW, PRESIDENT, \$6,129,000.00

WHEREAS, on November 4, 2019, under Roll Call No. 19-1697, 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:

Des Moines Fire Station No. 11, 10-2019-001

The improvement includes new construction of an approximately 14,600 square feet fire station which includes a two-story mechanical area, living quarters, and a three bay apparatus area; design consists of cast stone, brick masonry, glazed aluminum curtainwall and architectural aluminum metal panels; wall structure consists of perimeter bearing walls and internal bearing and non-bearing concrete masonry units; floor structure is steel beam framing and concrete/metal floor decking; roof structure is metal roof joists and decking; roofing system is a single-ply, fully adhered membrane on low slope roof areas and metal roof for the apparatus bay; also sidewalks, utilities and reconstruction of E. 42nd Street; all work in accordance with the contract documents, including Plan File Nos. 601-070/209, located at 4150 E. 42nd 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, on December 3, 2019, eight sealed bids for said improvement were received and opened at a public meeting presided over by the Engineer in the City Offices, and the lowest bid read was received from Rochon Corporation of Iowa, Inc., Russell Carew, President, 3401 106th Circle, Urbandale, IA, 50322 in the amount of \$6,129,000.00, with bid proposal received from OLP Construction, L.L.C., Tim Johnston, Owner, 3809 109th Street, Ste. D, Urbandale, IA, 50322, in the amount of \$6,355,152, however the bid was read under advisement as the bidder additionally wrote in and included an alternate bid item that was not called for in the bid proposal; and

WHEREAS, the bid documents include the SUDAS Standard Specifications, 2019 Edition, Division 1, Section 1020, 1.11 IRREGULAR AND NONRESPONSIVE PROPOSALS, B.1 which states: Proposal will be considered non-responsive and shall be rejected, if there are unauthorized additions, conditional or alternate bids, or irregularities of any kind that may tend to make the proposal incomplete, indefinite, or ambiguous as to its meaning; and

WHEREAS, the bid submitted by OLP Construction, L.L.C. included an unauthorized additional alternate bid item written in by the bidder, which created an indefinite and ambiguous bid; and

WHEREAS, the SUDAS Standard Specifications, 2019 Edition, Division 1, Section 1020, 1.01 QUALIFICATION OF THE BIDDERS, provides: The Jurisdiction reserves the right to reject any bid that is not responsive to the proposal form or contract documents, or not submitted by a responsive, responsible bidder.

WHEREAS, the Des Moines City Engineer recommends the bid submitted by OLP Construction, L.L.C. be determined nonresponsive and rejected and its bid security be returned.



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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.

BE IT FURTHER RESOLVED: That sealed bids for said improvement were submitted by the following bidders:

- | | |
|--------------------------------------|---|
| Rochon Corporation of Iowa, Inc. | Urbandale, IA |
| Christner Contracting, Inc. | Ottumwa, IA |
| Estes Company dba Estes Construction | Davenport, IA |
| Covenant Construction Services, LLC | Clive, IA |
| Lang Construction Group, Inc. | West Des Moines, IA |
| Core Structural Services LLC | Clive, IA |
| Dean Snyder Construction Co. | Ankeny, IA |
| OLP Construction, LLC | Urbandale, IA - Bid initially read under advisement since Bidder added an alternate bid item to Proposal; Bid is considered non-responsive per SUDAS. |

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 3, 2019.

BE IT FURTHER RESOLVED: That the City Council concurs with the Engineer recommendation regarding the bid submitted by OLP Construction, L.L.C., Tim Johnston, Owner, 3809 109th Street, Ste. D, Urbandale, IA, 50322, and determines that the bid is nonresponsive and is rejected and its bid and bid security directed to be returned.

BE IT FURTHER RESOLVED 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 Rochon Corporation of Iowa, Inc., Russell Carew, President, 3401 106th Circle, Urbandale, IA, 50322 in the amount of \$6,129,000.00, and said bid be and the same is hereby accepted, subject to providing evidence of authority to bind the corporation satisfactory to the Legal Department.

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 upon satisfaction of the above.



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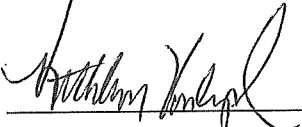
BE IT FURTHER RESOLVED: That the Engineer is hereby directed to secure execution by the lowest responsible, responsive Bidder and its surety of the contract documents in the form heretofore approved by this Council; that the Engineer is directed to thereafter present said contract documents to this Council 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.

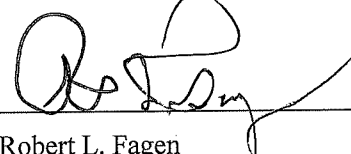
(City Council Communication Number 19-544 attached.)

Moved by Westergaard to adopt.

FORM APPROVED:


Kathleen Vanderpool
Deputy City Attorney

FUNDS AVAILABLE


Robert L. Fagen
Des Moines Finance Director

SLN Funding Source: 2019-2020- CIP, Page Fire – 6, NE Fire Station, FR041, G. O. Bonds, with a transfer of \$180,000 of Gaming Monies from ST217, Roadway Rehabilitation - Collector

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

MOTION CARRIED

APPROVED


Mayor

I, P. Kay Cmelik, 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.



City Clerk