



Roll Call Number

Agenda Item Number

20-0796

59

DATE May 4, 2020

PUBLIC HEARING, APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT DOCUMENTS, AND ENGINEER'S ESTIMATE ON 2020 DOWNTOWN RAILROAD CROSSING IMPROVEMENTS; RECEIVE AND FILE BIDS; AND DESIGNATION OF LOWEST RESPONSIVE, RESPONSIBLE BIDDER AS MINTURN, INC., CLINTON M. RHOADS, PRESIDENT, \$213,880.00

WHEREAS, on March 23, 2020, under Roll Call No. 20-0502, 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:

2020 Downtown Railroad Crossing Improvements, 04-2020-020

The improvement includes pavement removal, Hot Mix Asphalt (HMA) street approaches, Portland Cement Concrete (PCC) sidewalks, curbs and medians, pavement markings, and other incidental items; in accordance with the contract documents, including Plan File Nos. 616-200/217, at the following locations along the Iowa Interstate Railroad near W. Martin Luther King Jr. Parkway at S.W. 16th Street, S.W. 12th Street, S.W. 7th Street, S.W. 6th Street, S.W. 4th Street, S.W. Water Street, and at Grand Avenue east of 63rd Street, in the City of 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 April 21, 2020, sealed bids for said improvement were received and opened at a public meeting broadcasted live via a Zoom 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., and the bid received from Minturn, Inc, 144 W. Front Street, Brooklyn, Iowa, 52211, was read under advisement since the bidder did not note acknowledging Addendum No. 2 on the Proposal; and

WHEREAS, Engineering staff contacted the Minturn, Inc. requesting verification if they had seen and acknowledged Addendum No. 2 when preparing their bid;

WHEREAS, Addendum No. 2 notified the bidders that bid drop-off would be modified and the bid opening would not be open to the public but rather be available live via Zoom and there were two Plan Sheet note modifications and a Pre-letting Conference clarification; and

WHEREAS, Minturn, Inc. sent an email stating "Minturn, Inc. received, understood, and incorporated the requirements of Addendum 2 into our bid for the project"; and



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WHEREAS, SUDAS Standard Specifications Section 1020, 1.06 Addendum, states "Acknowledgement of the receipt of the addendum will be as provided in the Proposal form"; and

WHEREAS, SUDAS Section 1030, 1.01, A - Acceptance or Rejection of Proposals, states "The Jurisdiction reserves the right to accept the Proposal that, in its judgement is the lowest responsive, responsible bid; to reject any or all proposals; to reject irregular or Non-Responsive proposals as defined in Section 1020, 1.11-Irregular and Non-Responsive Proposals"; and

WHEREAS, Addendum No. 2 provided that each bidder was to acknowledge receipt of each addendum in its proposal in order to have its bid read and considered; the receipt of each addendum shall be acknowledged by insertion of the number of each addendum in the appropriate blank provided for such acknowledgement in the Proposal; and

WHEREAS, the City Engineer recommends that the bid submitted by Minturn, Inc. be considered responsive and the bid be accepted, as the only irregularity was the oversight of not acknowledging Addendum No. 2 on the Proposal form, however the bidder later acknowledged in written communication they received, understood and incorporated the requirement of Addendum No. 2 in their bid.

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 the City Council concurs in the recommendation of the Engineering Department and the Legal Department regarding the bid submitted by Minturn, Inc., waives said minor irregularity, and hereby receives the bid submitted by Minturn, Inc.



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

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| Minturn, Inc. | Brooklyn, IA |
| InRoads, LLC | Bid read under advisement – Proposal Addendum 2 not acknowledged
Des Moines, IA |
| TK Concrete, Inc. | Pella, IA |
| OMG Midwest, Inc. dba Des Moines
Asphalt & Paving | Ankeny, IA |
| C. Green Contractor, Inc. | Des Moines, 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 April 21, 2020. 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 Minturn, Inc., Clinton M. Rhoads, President, 144 W. Front Street, Brooklyn, IA, 52211 in the amount of \$213,880.00, 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.



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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 20-193 attached.)

Moved by Mandelbaum to adopt.

FORM APPROVED:

FUNDS AVAILABLE

/s/

Kathleen Vanderpool
Deputy City Attorney

Nickolas J. Schaul
Interim Des Moines Finance Director

SLN

Funding Source: 2019-2020 CIP, Page Streets – 27, Railroad Crossing Surface Repairs and Signal Improvements, ST139, Being: \$38,292.50 in G.O. Bonds; \$75,587.50 in G.O. Bonds transferred from SW084; and the remaining \$100,000 in Gaming Funds transferred from ST217

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