



**Roll Call Number**

230090

**Agenda Item Number**

49A

DATE January 9, 2023

**APPROVAL OF CONTRACT AND BOND  
AND PERMISSION TO SUBLET ON  
STONE PARK COMMUNITY GARDEN  
\$518,897.98**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$518,897.98, executed by Burkett Construction, LLC, Andrew Burkett, Owner, 25 Ellefson Drive, De Soto, IA, 50069 dated January 9, 2023, for the construction of the following improvement:

Stone Park Community Garden, 042022019

The improvement includes relocation of the existing community garden at Allen Park to Stone Park. The project includes fine grading, fence, new water service, irrigation system and hydrants, Portland Cement Concrete (PCC) sidewalks, installing and filling raised planter beds, aggregate walking surface around the planter beds, and other incidental items; all in accordance with the contract documents, including Plan File No. 649-297/316, located at Stone Park, 2100 S.E. 5th 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 Departments. 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 Director of Finance 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 23-019 attached)

Moved by Gatto to adopt. Second by Boesen

FORM APPROVED

FUNDS AVAILABLE

s/ Kathleen Vanderpool  
Kathleen Vanderpool  
Deputy City Attorney

s/Nickolas J. Schaul  
Nickolas J. Schaul  
Director of Finance

SLN  
pw

Funding Source: 2022-23 CIP, Page 106, Flood Mitigation Improvements, SM087, Being: \$300,000 American Rescue Plan Act (ARPA) Funding; \$84,448.99 General Obligation bonds issued; and the remaining \$134,448.99 to be transferred from Storm Water Utility Funds SM087

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

I, Laura Baumgartner, 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.

MOTION CARRIED APPROVED  
J. M. Franklin Cownie  
Mayor

Laura Baumgartner  
City Clerk