

23-0973

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DATE July 17, 2023

**APPROVAL OF CONTRACT AND BOND
FOR CONSTRUCTION OF AN IMPROVEMENT WITH AN ESTIMATED COST
WHICH IS LESS THAN THE IOWA CODE COMPETITIVE BID THRESHOLD,
TEACHOUT POOL PAINTING IMPROVEMENTS,
SUPERIOR PAINTING & EPOXY COATING, LLC, ANTHONY NEGRETE JR, MANAGER,
\$103,750**

WHEREAS, Sections 26.3 and 26.12 of the Code of Iowa exempt the governing body from advertisement for sealed bids and holding a public hearing on the proposed plans, specifications, form of contract and estimated cost of the improvement when the Engineer's estimated cost the improvement is less than the competitive bid threshold established in Section 314.1B; and

WHEREAS, On February 12, 2007, under Roll Call No. 07-291, the Des Moines City Council approved bidding and contracting process changes for construction of improvements which included "Part II: New Competitive Quotation Process for Public Improvements" which the City Engineer has utilized for this project; and

WHEREAS, the Des Moines City Engineer has prepared an estimate for construction of the following improvement:

Teachout Pool Painting Improvements, Activity ID 11-2023-017

The improvement includes Portland Cement Concrete (PCC) crack sealing, PCC joint repairs, and painting, all in accordance with the contract documents, located at 2601 Hubbell Avenue, Des Moines, Iowa

WHEREAS, The estimated cost of said improvement is \$125,000, which is less than the competitive bid threshold established in Section 314.1B of the Code of Iowa; and

WHEREAS, the Des Moines City Engineer has solicited proposals for construction of said improvements in accordance with the competitive quotation process provided above and recommends award of contract to Superior Painting & Epoxy Coating, LLC, Anthony Negrete Jr, Manager, 4918 NE Crestmoor Lane, Ankeny, IA, 50021 in the amount of \$103,750, for construction of said improvement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

That the attached communication recommending construction of the following improvement and the method of financing; and also including the recommendation of the Des Moines City Engineer submitting plans, specifications, contract documents, and Engineer's estimate of cost for the construction of the following improvement:

Teachout Pool Painting Improvements, Activity ID 11-2023-017

The improvement includes Portland Cement Concrete (PCC) crack sealing, PCC joint repairs, and painting, all in accordance with the contract documents, located at 2601 Hubbell Avenue, Des Moines, Iowa

be and the same are hereby approved and accepted. The estimated construction cost for said improvement is \$125,000, which is less than the competitive bid threshold established in Section 314.1B of the Code of Iowa; and

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BE IT FURTHER RESOLVED: That this Council hereby determines that it is necessary and advisable to construct said improvement in the manner set forth in the plans, specifications, and contract documents submitted by the Des Moines City Engineer; and that payment for the cost of said improvement shall be paid from the funding source identified below.

BE IT FURTHER RESOLVED: That said plans, specifications, contract documents, and Engineer's estimate of construction cost are hereby approved as the plans, specifications, contract documents, and Engineer's estimate of construction cost for said improvement.

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

- Superior Painting & Epoxy Coating, LLC, Ankeny, IA - Low Bid
- JSM General Contracting, Ottertail, MN
- A1A Sandblasting (Iowa), Menahga, MN
- TMI Coatings, Inc., St. Paul, MN

which were received and opened by the Des Moines City Engineer in the City Engineer's Office, 2nd Floor, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 on June 29, 2023. 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 has determined that the lowest responsive, responsible bid for the construction of said improvement was submitted by Superior Painting & Epoxy Coating, LLC, in the amount of \$103,750, and said bid be and the same is hereby accepted.

BE IT FURTHER RESOLVED: That the Des Moines City Engineer has secured execution by the lowest responsive, responsible Bidder and its surety of the contract documents in the form approved by this Council.

BE IT FURTHER RESOLVED: That the contract and bond, in the amount of \$103,750, executed by Superior Painting & Epoxy Coating, LLC, dated July 17, 2023, for the construction of said improvements; the same to be performed in accordance with the plans and specifications which have been approved by this Council, be and the same are hereby approved. 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 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 the City Engineer is hereby authorized to approve requests to sublet work from the Contractor, 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.

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.

★ Roll Call Number

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BE IT FURTHER RESOLVED: That the City Council hereby authorizes the necessary closure of all public grounds, streets, sidewalks, alleys, bridges, culverts, overpasses, underpasses, grade crossing separations and approaches, public ways, squares, and commons for the Project.

(Council Communication No. 23.340 attached)

Moved by Gatto to adopt. Second by Boesen

FORM APPROVED:

s/Kathleen Vanderpool

Kathleen Vanderpool
Deputy City Attorney

FUNDS AVAILABLE:

s/Nickolas J. Schaul

Nickolas J. Schaul
Director of Finance

SLN Funding Source: 2023-24 CIP, Page 78, Swimming Pools and Aquatic Infrastructure, PK153, G.O. Bonds

COUNCIL ACTION	Yeas	Nays	Pass	Absent
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER				✓
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1

J.M. Franklin Cownie Mayor

CERTIFICATE

I, Laura Baumgartner, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, 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.

Laura Baumgartner City Clerk