



Roll Call Number

24-1596

Agenda Item Number

41A

Date November 18, 2024

**APPROVAL OF CONTRACT AND BOND ON
GRAY'S LAKE DOCK IMPROVEMENTS
\$2,427,498**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the contract and bond, in the amount of \$2,427,498, executed by Cushman Excavation, LLC, Chad Cushman, Manager, 1249 108th Place, Knoxville, IA, 50138 dated November 18, 2024, for the construction of the following improvement:

Gray's Lake Dock Improvements, Activity ID 112022007
IDNR Project No. 24-R4-LL

The improvement includes Hot Mix Asphalt (HMA) Shared-Use Path, Portland Cement Concrete (PCC) Sidewalk, PCC curb and gutter, PCC sidewalks, reinforced concrete structure, reinforced concrete walls, garage door, light pole relocation, building electrical, dock, earthwork, pavement markings, landscaping, erosion control, and other related items, all in accordance with the contract documents including Plan File No. 661-241/299, located at the southwest side of Gray's Lake Park, 2101 Fleur Drive, 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 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.



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(Council Communication No. 24.457 attached)

Moved by Mandelbaum to adopt. Second by Voss

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: 2024-25 CIP, Page 66, Gray's Lake Park Improvements, PK140, Being: \$900,000 General Fund made possible by American Rescue Plan Act (ARPA) funding; \$300,000 Iowa DNR REAP Grant, Agreement 24-R4-LL; \$30,000 Private Donation; and the remaining \$1,197,498 in G.O. Bonds

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| BOESEN | ✓ | | | |
| COLEMAN | ✓ | | | |
| GATTO | ✓ | | | |
| MANDELBAUM | ✓ | | | |
| SIMONSON | ✓ | | | |
| VOSS | ✓ | | | |
| WESTERGAARD | ✓ | | | |
| TOTAL | 7 | | | |

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.

MOTION CARRIED APPROVED
Connie Boesen Mayor

Laura Baumgartner City Clerk