CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

6(f)

DATE: May 2, 2016

ITEM:

- Public Hearing (5:35 p.m.)
Fox Creek Trunk Sewer Extension Phase 2

FINANCIAL IMPACT:

The Engineering Estimate of construction cost for the Fox Creek Trunk Sewer Extension Phase 2 was estimated to be $1,789,804.00. There were four (4) bids submitted with the lowest bid submitted by Drake Construction, L.C. of Menlo, Iowa. Subsequent to the letting Drake notified the City they detected an error in their proposal and requested that the City allow their bid to be withdrawn (see attachment). After reviewing the request and conferring with the engineer, staff recommends allowing Drake to withdraw their proposal. The second bid was responsive and was in the amount of $1,708,003.00 and was submitted by Raccoon Valley Contractors of Waukee, Iowa. Payments will be made from budgeted account no. 5061.80.820.6.7910 with the ultimate funding intended to come from the Sewer Fee account and an existing cost sharing agreement with the City of Waukee.

BACKGROUND:

The Fox Creek Trunk Sewer Extension Phase 2 is a continuation of the Fox Creek Trunk Sewer project begun in 2015. This segment will extend sewer from the northern terminus of the Fox Creek Trunk Phase 1 Sewer to the intersection of 98th Street and Ashworth Road. Construction of this sewer is part of an existing agreement with the City of Waukee.

This Public Hearing is on the matter of adoption of Plans, Specifications, Form of Contract, and Estimate of Cost for the Fox Creek Trunk Sewer Extension Phase 2. Upon completion of the Public Hearing, a Resolution should be passed adopting the Plans and Specifications, Form of Contract, Estimate of Cost, Waving Irregularities, and Awarding the Contract to Raccoon Valley Contractors. The bids received contained one irregularity which was noted in the bid tabulation.

The project is scheduled to be completed by November 15, 2016.

OUTSTANDING ISSUES: None.

RECOMMENDATION:

City Council Adopt:
- Resolution Adopting Plans, Specifications, Form of Contract, and Estimate of Costs;
- Motion receiving and filing Report of Bids;
- Motion allowing Drake Construction, L.C. to withdraw their proposal
- Resolution waiving bid irregularities and awarding the construction contract to Raccoon Valley Contractors of Waukee, Iowa.

Lead Staff Member: **Duane C. Wittstock, P.E.,L.S., City Engineer** DCW

STAFF REVIEWS

Department Director	Duane C. Wittstock, City Engineer
Appropriations/Finance	Tim Stiles, Finance Director
Legal	Richard Scieszinski, City Attorney JBW
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Public Works		
Date Reviewed	April 25, 2016		
Recommendation	Yes	No	Split

P:\PWENGR\51015\005 Fox Creek Trunk Sewer Extension\Pinkies\Award Contract - 5-2-16.docx

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, APPROVING Adopting Plans, Specifications, Form of Contract, and Estimate of Cost

WHEREAS, on April 27, 2016, Plans, Specifications, Form of Contract, and Estimate of Cost were filed with the City Clerk for the following described public improvement:

Fox Creek Trunk Sewer Extension Phase 2
Project No. 0510-005-2015

and,

WHEREAS, notice of hearing on Plans, Specifications, Form of Contract, and Estimate of Cost for said public improvements was published as required by law;

therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA, that the Plans, Specifications, Form of Contract, and Estimate of Cost for said public improvement are hereby approved.

PASSED AND ADOPTED this **2nd** day of **May, 2016.**

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, APPROVING
Awarding Contract

WHEREAS, the City Council of the City of West Des Moines has heretofore directed advertisement for bids for the following described public improvement:

Fox Creek Trunk Sewer Extension Phase 2
Project No. 0510-005-2015

and,

WHEREAS, bids have been received and opened by the City Clerk and placed on file by the City Council.

and,

WHEREAS, irregularities were noted on one of the bids that was received,

and,

WHEREAS, the irregularities noted were not substantive in nature,

and,

WHEREAS, the bid of the Raccoon Valley Contractors in the amount of $1,708,003.00 is the lowest responsive, responsible bid received for said public improvement,

therefore;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA, waives the irregularities in the bids that were received.

BE IT RESOLVED that a contract for the Fox Creek Trunk Sewer Extension Phase 2 is hereby awarded to Raccoon Valley Contractors of Waukee, Iowa in the amount of $1,708,003.00 and the bond of said bidder for the project is hereby fixed in the same amount.

BE IT FURTHER RESOLVED that the City Engineer is authorized and directed to return bid bond(s) and/or check(s) to any unsuccessful bidder.

BE IT FURTHER RESOLVED that work on said project may commence as soon as the final contract and bond have been approved by the City Engineer and have been signed by the City Manager or Deputy City Manager after the contractor is given a written notice to proceed by the City Engineer.

PASSED AND ADOPTED this **2nd** day of **May, 2016.**

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk

VEENSTRA & KIMM, INC.
3000 Westown Parkway • West Des Moines, Iowa 50266-1320
515-225-8000 • 515-225-7848 (FAX) • 800-241-8000 (WATS)

April 28, 2016

Duane Wittstock
City Engineer
City of West Des Moines
Public Services Dept./Engineering
4200 Mills Civic Parkway
P.O. Box 65320
West Des Moines, Iowa 50265

WEST DES MOINES, IOWA
FOX CREEK TRUNK SEWER EXTENSION
DRAKE CONSTRUCTION, L.C.
REQUEST TO WITHDRAW BID

Enclosed is a copy of a request by Drake Construction, L.C. to withdraw its bid for the Fox Creek Trunk Sewer Extension. The basis for the request to withdraw bid is an error of not including the sales tax item in the bid amount.

Under the concept of mistake a bidder is generally allowed to withdraw a bid for an error in not including cost items in the calculation of its bid. Failure to include the identified sales tax amount in the calculation of the total bid is considered of the type of error that would qualify for a bid mistake and allow for withdrawal of the bid with no penalty.

Based on the writer's discussions with Ron Drake of Drake Construction, L.C. the writer is of the opinion Drake Construction, L.C. made a mistake in its bid by inadvertently not adding the sales tax on pipe materials. The value of this mistake is fairly significant.

Based on the facts presented, the writer would recommend the City allow Drake Construction, L.C. to withdraw its bid and to consider the award of contract to the next low bidder. The next low bidder was Raccoon Valley Contractors, LLC with its bid in the amount of $1,708,003.00.

If you have any questions or comments concerning the project, please contact the writer at 225-8000.

VEENSTRA & KIMM, INC.

H. R. Veenstra Jr.

HRVJr:pjh
102160
Enclosure

April 28, 2016

City of West Des Moines:

I am writing to inform you of an oversight I made on my bid tab for the Fox Creek Sewer Ext. project. The error I made was I failed to include sales tax on my bid. I am truly sorry about the error and any problems it may have caused. For this reason I am asking that my bid be returned with my bid bond.

Sincerely,

Ron Drake

Drake Construction LC

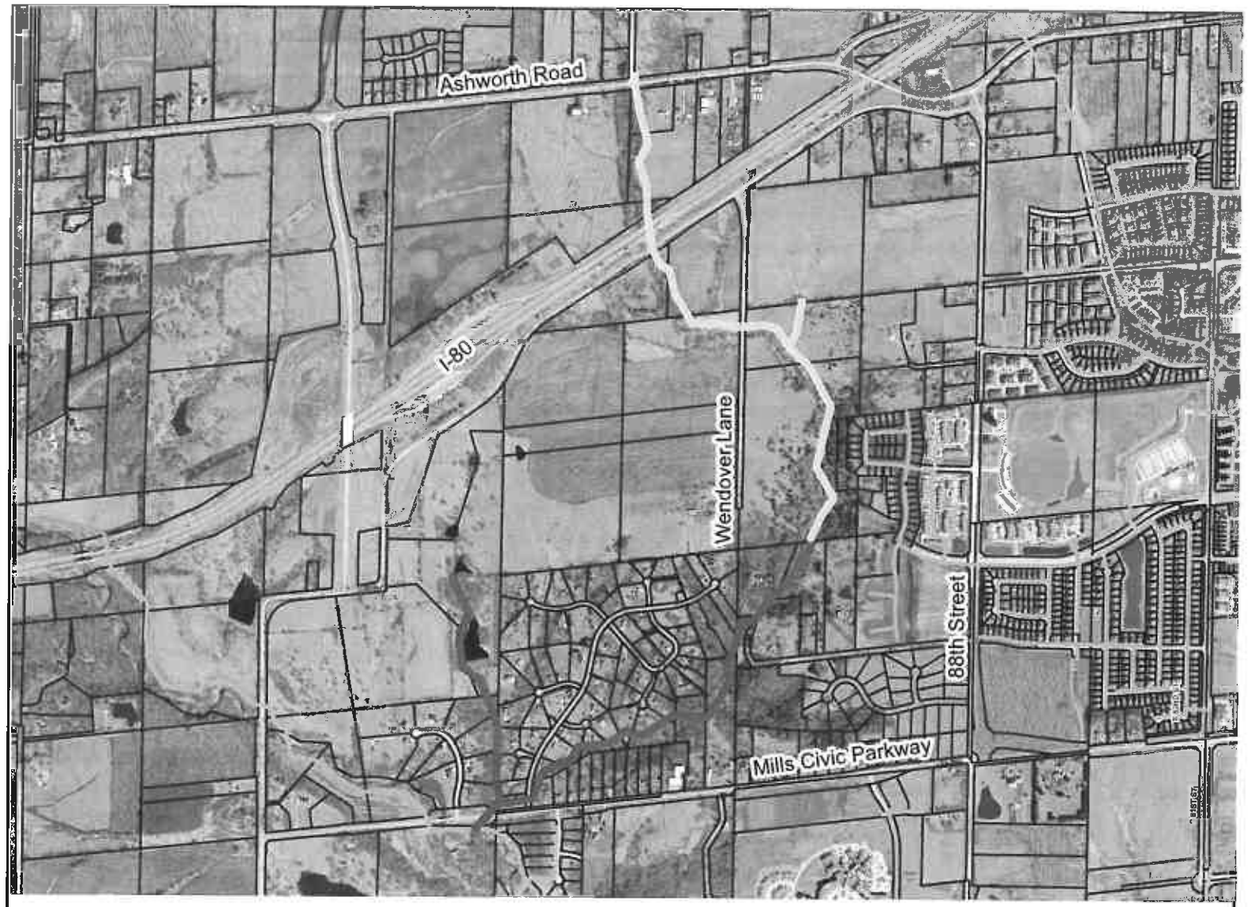
BID TABULATION
WEST DES MOINES, IOWA
FOX CREEK TRUNK SEWER EXTENSION
PROJECT NO. 0510-005-2015

1. Construct the Fox Creek Trunk Sewer Extension for the following unit and lump sum prices:				Drake Construction, L.C. 2921 Whitepole Rd. Menlo, IA 50164-8502		Raccoon Valley Contractors 520 SE Prairie Park Lane Waukee, IA 50263		Rognes Corp. 720 SW Goodwin Ankeny, IA 50023		J & K Contracting, LLC 1307 E. Lincoln Way Ames, IA 50010	
ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
1.	Sanitary Sewer in Place - 8"	LF	180	$ 100.00	$ 18,000.00	$ 155.00	$ 27,900.00	$ 125.00	$ 22,500.00	$ 120.00	$ 21,600.00
2.	Sanitary Sewer in Place - 12"	LF	525	100.00	52,500.00	166.00	87,150.00	130.00	68,250.00	140.00	73,500.00
3.	Sanitary Sewer in Place - 18"	LF	5	100.00	500.00	240.00	1,200.00	140.00	700.00	150.00	750.00
4.	Sanitary Sewer in Place - 21"	LF	3,543	120.00	425,160.00	178.00	630,654.00	140.00	496,020.00	160.00	566,880.00
5.	Sanitary Sewer in Place - 24"	LF	2,395	120.00	287,400.00	185.00	443,075.00	200.00	479,000.00	275.00	658,625.00
6.	Sanitary Sewer Tunneled in Casing - 21"	LF	570	457.00	260,490.00	368.00	209,760.00	620.00	353,400.00	505.00	287,850.00
7.	Manhole - Type SW 301 - 84"	Ea.	1	16,000.00	16,000.00	15,000.00	15,000.00	22,000.00	22,000.00	16,000.00	16,000.00
8.	Manhole - Type SW 301 - 72"	Ea.	1	15,000.00	15,000.00	11,000.00	11,000.00	16,000.00	16,000.00	12,000.00	12,000.00
9.	Manhole - Type SW 301 - 60"	Ea.	1	14,000.00	14,000.00	8,000.00	8,000.00	12,500.00	12,500.00	10,000.00	10,000.00
10.	Manhole - Type SW 301 - 48"	Ea.	21	13,000.00	273,000.00	5,500.00	115,500.00	7,000.00	147,000.00	6,700.00	140,700.00
11.	Manhole - Type SW 303 - 48"	Ea.	3	13,000.00	39,000.00	5,500.00	16,500.00	10,000.00	30,000.00	7,000.00	21,000.00
12.	Video Inspection of Sanitary Sewer	LF	7,218	1.00	7,218.00	3.00	21,654.00	3.00	21,654.00	2.00	14,436.00
13.	18" CMP Culvert	LF	20	50.00	1,000.00	60.00	1,200.00	80.00	1,600.00	100.00	2,000.00
14.	Rip-Rap	Ton	470	55.00	25,850.00	74.00	34,780.00	95.00	44,650.00	85.00	39,950.00
15.	Steel Sheeting	SF	1,200	55.00	66,000.00	21.00	25,200.00	35.00	42,000.00	24.00	28,800.00
16.	Stabilizing Material	Ton	100	55.00	5,500.00	36.00	3,600.00	38.00	3,800.00	35.00	3,500.00
17.	Granular Surfacing	Ton	30	45.00	1,350.00	31.00	930.00	26.00	780.00	33.00	990.00
18.	Erosion Control	LS	1	xxxxx	24,500.00	xxxxx	24,300.00	xxxxx	25,000.00	xxxxx	16,500.00
19.	Seeding - SUDAS Type 2	Acre	14	1,400.00	19,600.00	1,400.00	19,600.00	1,450.00	20,300.00	1,600.00	22,400.00
20.	Construction Staking	LS	1	xxxxx	10,000.00	xxxxx	9,000.00	xxxxx	14,000.00	xxxxx	8,000.00
21.	Traffic Control	LS	1	xxxxx	15,000.00	xxxxx	2,000.00	xxxxx	5,000.00	xxxxx	8,000.00
			TOTAL BID (Items 1. - 21.)	$1,577,068.00		$1,708,003.00		~~$1,822,545.00~~ $1,826,154.00		$1,953,481.00	

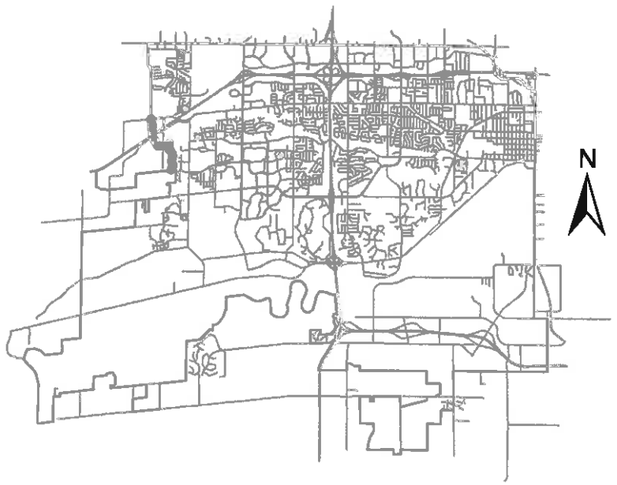
I hereby certify that this is a true tabulation of bids received on April 27, 2016 by the City of West Des Moines, Iowa.

LICENSED PROFESSIONAL ENGINEER
H. Robert Veenstra Jr.
No. 9037
IOWA

H. Robert Veenstra Jr., P.E.
Iowa License No. 9037
My license renewal date is December 31, 2016



VICINITY MAP



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LEGEND

- PROJECT LOCATION
- FOX CREEK TRUNK SEWER EXTENSION
- FOX CREEK TRUNK SEWER
- EXISTING SEWER

THE CITY OF WEST DES MOINES

DEPARTMENT OF ENGINEERING SERVICES
4200 MILLS CIVIC PARKWAY (515) 222-3620
WEST DES MOINES, IOWA 50265
FAX NO. (515)273-0602

PROJECT: **Fox Creek Trunk Sewer Extension**
Project No. 0510-005-2015

LOCATION: **Wendover Lane - South of I-80 to Ashworth Road**

DRAWN BY: JMS	DATE: 1/12/15	SHT. 1 OF 1