

CITY OF WEST DES MOINES

COUNCIL AGENDA

date: Thursday, May 9, 2019

time: 7:30 a.m.

MAYOR STEVEN K. GAER
COUNCILMEMBER AT LARGE RENEE HARDMAN
COUNCILMEMBER AT LARGE JIM SANDAGER
COUNCILMEMBER 1ST WARD KEVIN L. TREVILLYAN
COUNCILMEMBER 2ND WARD JOHN MICKELSON
COUNCILMEMBER 3RD WARD RUSS TRIMBLE

CITY MANAGER.....TOM HADDEN
CITY ATTORNEY.....RICHARD SCIESZINSKI
CITY CLERK..... RYAN JACOBSON

City Council Chambers

1. **Call Meeting to Order**

2. **Approval of Agenda**
 - a. Motion - Approval of Agenda

3. **Old Business**
 - a. Neighborhood Park Signage - City Initiated
 1. Resolution - Award Contract

4. **Receive and File**
 - a. Special Meeting Notice

The City of West Des Moines is pleased to provide accommodations to disabled individuals or groups and encourages their participation in city government. Should special accommodations be required please contact the Clerk's office at least 48 hours in advance, at 222-3600 to have accommodations provided.

**CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION**

DATE: May 9, 2019

ITEM: Resolution – Award Contract – Neighborhood Park Signage

FINANCIAL IMPACT: Total contract amount of \$249,964.00. There is a total budget of \$450,000 available for this project. The project will be paid with budgeted CIP funds from G/L account 500.000.000.5250.490. Funding will be covered out of available funds in the FY 18-19 and FY 19-20 CIP from the Park Signage Upgrade (Project No. 0510 094 2017).

BACKGROUND: Eight (8) bids were received, with several bids under the preliminary estimated cost of \$447,150. The lowest base bid in the amount of \$248,421.00 was submitted by Hilton Displays, LLC from Greenville, South Carolina. The next lowest bid in the amount of \$249,964.00 was submitted by Nagle Signs, Inc. from Waterloo, Iowa. Nagle Signs submitted a request that their bid receive a resident-bid preference. Legal staff reviewed the request, and by applying the *Reciprocal Resident Bidder and Labor Force Preference* as required by Iowa statute resulted in an adjusted bid, which made the Nagle Sign, Inc bid the low bid. Staff therefore recommends awarding the contract to Nagle Signs of Waterloo, Iowa. Nagle Signs has completed a wide variety of projects for metro communities including City of Urbandale (Gateway signs), City of Des Moines (Central Iowa Trail System Info Panels), and City of Ankeny (Market Pavilion). In addition, Nagle Signs is currently manufacturing the Folded Flags public art pieces for the Veteran’s Parkway Enhancements project, and staff has been pleased with this process.

This resolution is for the initial phase of construction for the replacement of neighborhood park signs located throughout the park system. The current wooden signs within the City’s neighborhood parks are over 20 years old with many showing signs of decay and age. The replacement signs are designed in the same family as other signs throughout the City, and will be constructed of a combination of corten steel, sandblasted aluminum, and stainless steel lettering, all mounted on a concrete footing.

OUTSTANDING ISSUES: None.

RECOMMENDATION: That the Council pass the resolution to award the contract for the Neighborhood Park Signage in the amount of \$249,964.

Lead Staff Member: David Sadler, Superintendent of Parks *JS by RJS*

STAFF REVIEWS

Department Director	Sally Ortgies, Director of Parks and Recreation
Appropriations/Finance	Tim Stiles, Finance Director
Legal	Richard Scieszinski, City Attorney <i>RJS</i>
Agenda Acceptance	<i>RTG</i>

PUBLICATION(S) (if applicable)

Published In	Des Moines Register
Dates(s) Published	April 5, 2019

SUBCOMMITTEE REVIEW (if applicable)

Committee	N/A		
Date Reviewed			
Recommendation	Yes	No	Split

**CITY OF WEST DES MOINES
OFFICE OF THE CITY ATTORNEY
LEGAL OPINION**

To: Mayor Steven K. Gaer and West Des Moines City Council
From: Richard Scieszinski, City Attorney
Re: Neighborhood Park Signage Project- Resident Vendor Preference
Date: May 7, 2019

On April 10, 2019 the City of West Des Moines received bids from eight bidders for the fabrication and installation of twenty-five neighborhood park identification signs. Hilton Displays, LLC of Greenville, South Carolina submitted the low bid of \$248,421.00. Nagle Signs, Inc., of Waterloo, Iowa submitted the second lowest bid of \$249,964.00. As set forth in Iowa Code Chapter 73A.21, *Reciprocal Resident Bidder and Labor Force Preference*, Nagle Signs submitted a request with its bid that if relevant, it's bid receive a resident-bid preference.

The Iowa statute requires that the City of West Des Moines provide a preference to an Iowa bidder as against a non-Iowa bidder if the non-Iowa bidder is from a state that gives any form of preferential treatment to bidders from that state. Iowa Code 73A.21(2). The preference allowed must be equal to the preference given or required by the state in which the non-resident bidder is a resident. Id.

South Carolina Code 11-35-1524, *Resident Vendor Preference* gives preferential treatment to public contracts in which South Carolina labor or products are used. The South Carolina statute provides a preference for both the "End Product"¹, which would be the signs described in the bid solicitation and fabricated for use by the City, and a preference for the use of resident labor. Therefore, as required by the Iowa statute, the terms of the South Carolina Vendor Preference must be applied to the Nagle Signs bid.

Although the South Carolina statute provides a preference for the use of resident labor, because Hilton Displays, LLC has indicated that it would contract for an Iowa subcontractor to perform the labor, no residential labor preference to the Nagel Sign, Inc. bid is required.

However, the South Carolina Vendor Preference also provides a seven percent price decrease of any South Carolina resident bid for use of a South Carolina End

¹ "End Product" is defined as the tangible product described in the solicitation including all component parts and in final form and ready for the state's [City's] intended use. South Carolina Code 11-35-1524(A) (1).

Product. South Carolina Code 11-35-1524(B)(1).

Giving equal preference of seven percent to the Iowa-resident bid of Nagle Signs for use of an Iowa End Product comprising the fabrication of twenty-five signs, and assuming that the End Product constitutes at a minimum fifty percent of the total bid price, a reduction of \$8,748.00 ($\$249,964.00 \times 50\% \times 7\%$) of the Nagel Sign bid price is required.

Therefore, although the bid of Hilton Displays, LLC was \$1,543.00 less than the bid of Nagle Signs, Inc., applying the *Reciprocal Resident Bidder and Labor Force Preference* as required by Iowa statute results in an adjusted Nagel Sign, Inc. bid of \$241,216.00, making the Nagel Sign, Inc. bid the low bid.²

² Although the adjusted Nagel Sign bid of \$241,216.00 is used for comparison to the Hilton Display bid to determine low bidder, if awarded, the actual Nagel Sign bid amount would be \$249,964.00. South Carolina Code 11-35-1524(E)(4).

RESOLUTION ACCEPTING BID AND 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:

Neighborhood Park Signage, Project No. 510-094-2017

and

WHEREAS, bids have been received and opened by the City Clerk, Deputy City Clerk, or designee and placed on file by the City Council; and

WHEREAS, Hilton Displays, LLC from Greenville, South Carolina submitted the low bid in the amount of \$248,421.00 for the public improvement; and

WHEREAS, application of *Iowa Code 73A.21, Reciprocal Resident Bidder and Labor Force Preference* reduced the bid of Nagle Signs, Inc. of Waterloo, Iowa, the second lowest bidder, from \$249,964.00 to \$241,216.00 for purposes of bid comparison and award; and

WHEREAS, upon application of *Iowa Code 73A.21*, Nagle Signs, Inc. has submitted the lowest responsible bid for the public improvement project.

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

1. Pursuant to *Iowa Code 73A, Reciprocal Resident Bidder and Labor Force Preference*, the adjusted bid submitted by Nagle Signs, Inc. in the amount of \$241,216.00 is the lowest responsible bid for the Neighborhood Park Signage Project, Project No. 510-094-2017.
2. Pursuant to *Iowa Code 73A*, the contract is hereby awarded to Nagle Signs, Inc. in the amount of \$249,964.00 and the bond of said bidder for the Project is hereby fixed in the same amount.
3. The Director of Parks and Recreation is authorized and directed to return bid bonds and/or checks to any unsuccessful bidder.
4. Work on the Project may commence as soon as the final contract and bond have been approved by the Director of Parks and Recreation and have been signed by the Director of Finance, and after written notice is given to the contractor to proceed by the Director of Parks and Recreation.

PASSED AND APPROVED this 9th day of May, 2019.

Steven K. Gaer, Mayor

ATTEST:

Ryan T. Jacobson, City Clerk

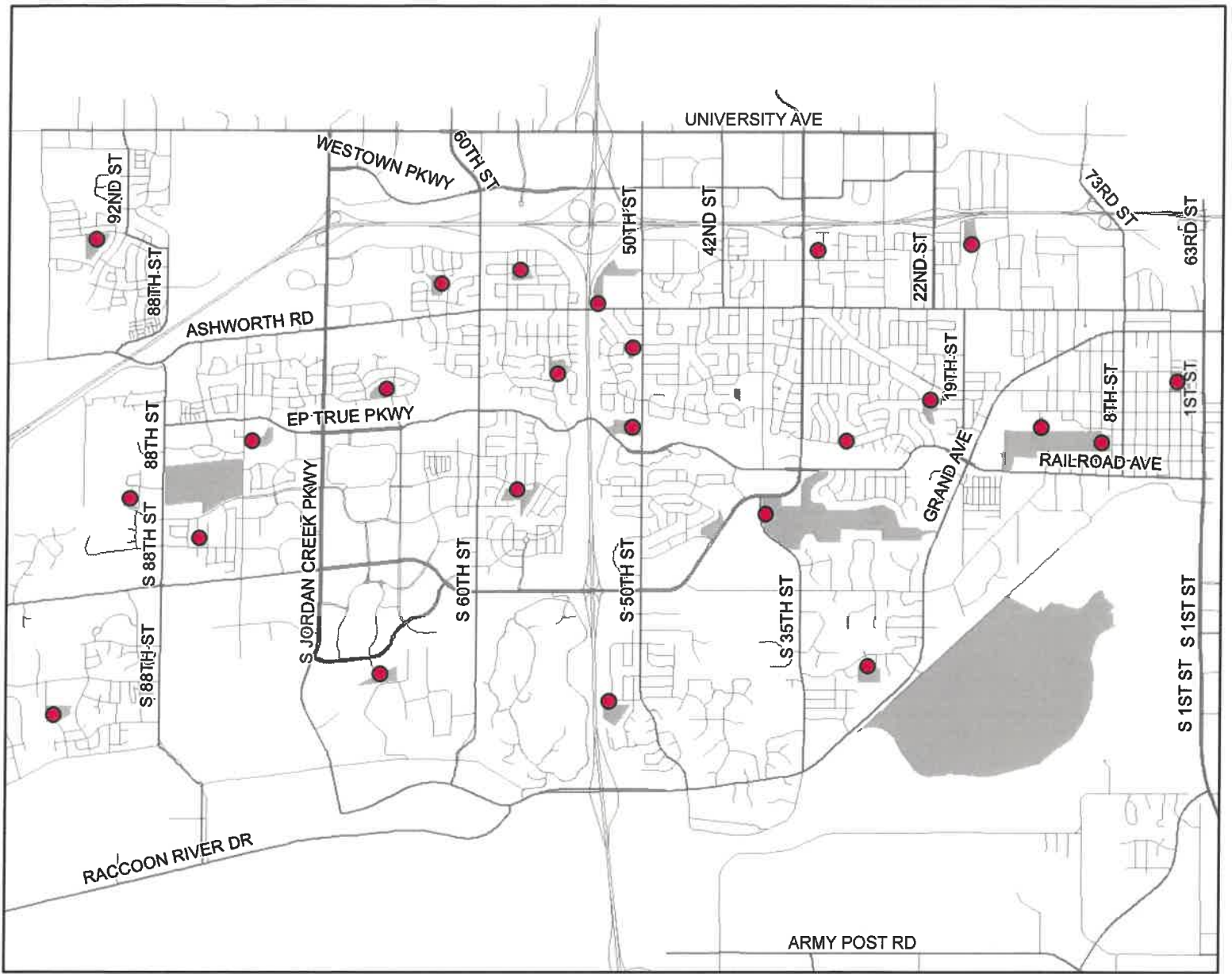
City of West Des Moines
 Neighborhood Park Signage Project
 Project No. 0510 094 2017
 Tabulation of Bids
 April 10, 2019

I hereby certify that this is a true and correct tabulation of bids received on
 April 10th, 2019 for the Neighborhood Park Signage Project
 in West Des Moines, Iowa.
 Kevin Conn, PLA License # 00427 Date: 4/10/2019



Lump Sum Base Bid		Bidder 1		Bidder 2		Bidder 3		Bidder 4	
Item #	Item	Unit	Qty	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Sign Type A - 8' wide sign	LS	7	9,345.00	\$ 65,415.00	9,550.00	\$ 66,850.00	11,950.00	\$ 83,650.00
2	Sign Type B - 10' wide sign	LS	18	10,167.00	\$ 183,006.00	10,173.00	\$ 183,114.00	13,450.00	\$ 242,100.00
		BID TOTAL		\$ 248,421.00		\$ 248,964.00		\$ 325,750.00	
								Graphic House Inc. Wausau, WI	
								Unit Price	
								12,980.00	
								Amount	
								\$ 90,860.00	
								Unit Price	
								14,665.00	
								Amount	
								\$ 263,970.00	
								Unit Price	
								14,665.00	
								Amount	
								\$ 354,830.00	

Lump Sum Base Bid		Bidder 5		Bidder 6		Bidder 7		Bidder 8	
Item #	Item	Unit	Qty	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Sign Type A - 8' wide sign	LS	7	14,250.00	\$ 99,750.00	15,376.00	\$ 107,632.00	16,000.00	\$ 112,000.00
2	Sign Type B - 10' wide sign	LS	18	14,970.00	\$ 269,460.00	15,873.00	\$ 285,714.00	17,000.00	\$ 306,000.00
		BID TOTAL		\$ 369,210.00		\$ 393,346.00		\$ 418,000.00	
								Trinity Construction Des Moines, IA	
								Unit Price	
								16,500.00	
								Amount	
								\$ 115,500.00	
								Unit Price	
								17,050.00	
								Amount	
								\$ 306,900.00	
								Unit Price	
								17,050.00	
								Amount	
								\$ 422,400.00	



VICINITY MAP



LEGEND

● Project Area



PROJECT:	NEIGHBORHOOD PARK ENTRY SIGNAGE		
LOCATION:	CITYWIDE		
DRAWN BY:	MAA	DATE:	3/14/2019
		PROJECT NO.:	
			SHT. 1 of 1