

# CITY OF WEST DES MOINES

## COUNCIL AGENDA

**date:** Thursday, January 16, 2020

**time:** 7:30 a.m.

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MAYOR.....	STEVEN K. GAER	CITY MANAGER.....	TOM HADDEN
COUNCILMEMBER AT LARGE .....	RENEE HARDMAN	CITY ATTORNEY.....	RICHARD SCIESZINSKI
COUNCILMEMBER AT LARGE .....	MATTHEW MCKINNEY	CITY CLERK.....	RYAN JACOBSON
COUNCILMEMBER 1 <sup>ST</sup> WARD .....	KEVIN L. TREVILLYAN		
COUNCILMEMBER 2 <sup>ND</sup> WARD .....	GREG HUDSON		
COUNCILMEMBER 3 <sup>RD</sup> WARD .....	RUSS TRIMBLE		

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### Community Room - West Des Moines Public Library

1. **Call Meeting to Order**
  
2. **Approval of Agenda**
  - a. Motion - Approval of Agenda
  
3. **Old Business**
  - a. MidAmerican Energy RecPlex - Ice Refrigeration - City Initiated (Continued from January 6, 2020)
    1. Resolution - Approval of Plans and Specifications
    2. Motion - Receive and File Report of Bids
    3. 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:** January 16, 2020

- ITEM:** Public Hearing – MidAmerican Energy Company RecPlex – Bid Package #5a - Ice Refrigeration Systems
1. Resolution – Approval of Plans and Specifications
  2. Motion – Receive and File Report of Bids
  3. Resolution – Approve Contract

**FINANCIAL IMPACT:** The Engineering Estimate of Construction Cost was estimated to be \$2,450,000.00 for the Ice Refrigeration for the MidAmerican Energy Company RecPlex (“RecPlex”). There were two (2) bids submitted with the low bid of \$1,749,000.00 being submitted by Minnesota Ice, LLC of Apple Valley, Minnesota. The next lowest and only other bid was submitted by Rink-Tec International, Inc. of Vadnais Heights, Minnesota in the amount of \$2,221,767.00. Payments for the work will be made from account no. 692.400.700.5250.490 with the ultimate funding intended to come from a combination of funds already declared as excess in the Sewer Fund (\$1.5 million) and General Obligation bonds backed by Hotel-Motel tax revenue.

**BACKGROUND:** The project consists of the complete ice refrigeration system for two (2) National Hockey League (NHL) sized ice rinks at the RecPlex. This phase of the project is anticipated to be completed by July 15, 2020.

After performing extensive research and consulting with the City’s Legal Department and outside counsel, City staff has deemed Minnesota Ice, LLC to be a non-responsive bidder for the following reasons:

1. **Minnesota Ice did not demonstrate suitable technical experience.** Section 13 99 50 of the bid documents specifies the system as “a complete, functional and “year-round” continuously operational Double Ice-Skating Rink”. The complete, year-round system specified for the RecPlex project includes:
  - Rink refrigeration system (plant) consisting of industrial compressors, chiller barrel, pumps, and a condenser unit to remove the heat from the refrigerated floor. A rink refrigeration system has a life expectancy of 20-25 years and operates 24 hours per day, 7 days per week to maintain the ice surface.
  - Two NHL-size concrete refrigerated floors comprised of a sub soil heating system, insulation, rebar, pipe chairs, and eleven miles of cooling pipes embedded in a 5-inch thick concrete floor. The refrigerated floor will circulate the secondary glycol refrigerant under the ice sheet and back to the rink refrigeration system continuously throughout the ice making process. The refrigerated floor must be constructed to not only make ice for skating activities, but also be strong enough to accommodate dry floor events such as expos, concerts, and conventions.

The bidder was required to provide qualifications to demonstrate suitable technical experience needed to construct the specified refrigeration system and refrigerated floors. These qualifications were outlined in Section 13 99 50 – Refrigerated Floors & Refrigeration System:

1.3 CONTRACTOR QUALIFICATIONS

- A. Proposing Ice Rink Contractors must be capable of demonstration of suitable technical experience by having installed not less than: ten (10) refrigerated HDPE Fusion floor systems (includes the concrete finishing sub-contractor), ten (10) refrigerated plants of a similar design as specified within the previous 2 years and ten (10) complete floor AND plant installations as one contracted project. These qualifications are based on the Company's history and not individual employees under hire. The bid proposal shall include a listing of the jobs that provide the above compliance. Any proposals submitted without these listings or that do not meet the qualifications shall be deemed non-compliant and rejected. Include a contact name, address and telephone and year constructed for each installation.
  
- B. The Owner may make such investigations as he deems necessary to determine the ability of the bidder to perform the work, and the bidder shall furnish to the Owner all such information and data for this purpose as the Owner may request. The Owner reserves the right to reject any bid if the evidence submitted by, or investigation of, such bidder fails to satisfy the Owner that such bidder is properly qualified to carry

REFRIGERATED FLOORS & REFRIGERATION SYSTEM

out the obligations of the contract and to complete the work contemplated therein.

Minnesota Ice submitted a list of projects in their bid and were also given an opportunity to provide additional projects following the bid letting. However, upon review by the architect and City staff, it was determined that Minnesota Ice did not submit the required qualifications. All numbers are based upon projects completed within the past 2 years. A summary is shown below:

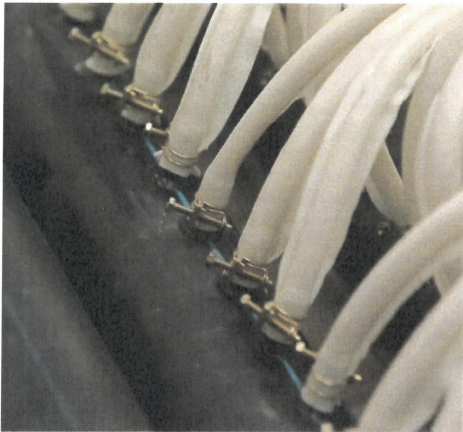
	Number Required in Bid Documents	Number Submitted by Minnesota Ice
Refrigerated HDPE Fusion Floor Systems	10	11
Refrigerated HDPE Fusion Floor Systems (SELF-PERFORMED)	10	11
Refrigeration Plants of similar design	10	5
Refrigeration Plants of similar design (SELF-PERFORMED)	10	0
Complete Floor & Plant as one contracted project	10	5
Complete Floor & Plant as one contracted project (SELF-PERFORMED)	10	0



Many of the projects provided by Minnesota Ice were temporary or seasonal in nature. Since these types of ice rinks are not “year-round” and “continuously operational”, they are not similar to the specified system and were not considered as part of their qualifications. The different types of rinks are described below:

- Temporary/seasonal floors are designed for easy installation and removal. These floors are typically installed on top of existing ground or in parking lots to create a solid base. Seasonal floors are designed to be portable in order to make quick repairs due to many temporary connection points.

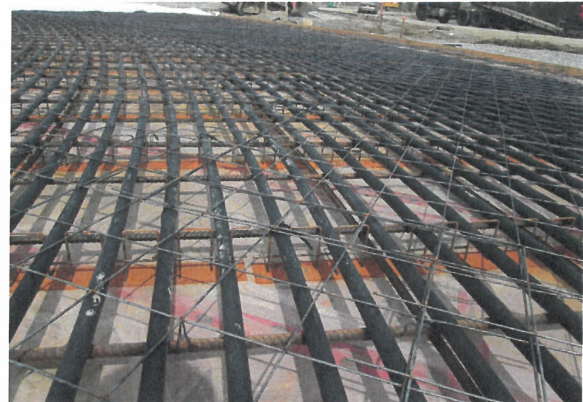
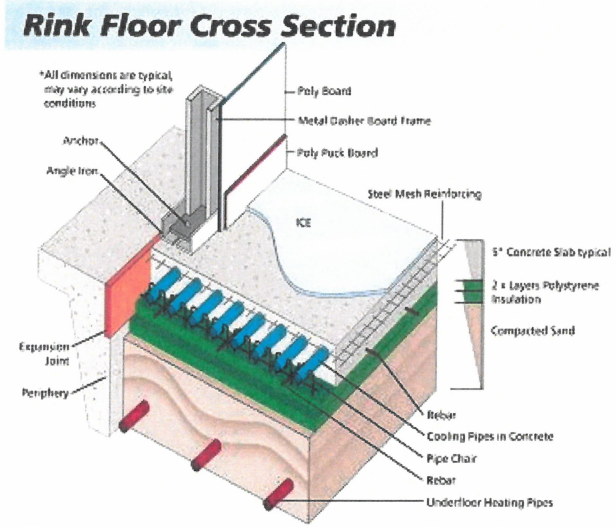
*Images of Temporary/Seasonal Rink Installation*





- Permanent/year-round ice rinks have a life expectancy of 20-25 years and operate on a continuous basis. A year-round HDPE Fusion floor is specified in both arenas. A Fusion floor includes nearly 11 miles of piping that is essentially welded together using chemicals and heat. There are no mechanical fasteners, such as hose clamps and screws, like those used in seasonal installations. The system will include a sub-surface heating system to insure no frost heaving occurs, as well as, a full steel rebar support system to create a strong surface for a variety of dry floor events. The RecPlex specs require the piping to be embedded in concrete.

*Images of Permanent/Year-round Rink Installation*





2. **Minnesota Ice does not meet the requirement that all work must be self-performed.** This requirement was included in Addendum No. 2:

- f. Paragraph 1.3. Contractor Qualifications, Add paragraph C: All work needs to be self-performed by rink contractor with specialty certified/licensed workers.

All Addenda become part of the bid package, and both bidders acknowledged receipt of Addendum No. 1 and No. 2 in their bids. Minnesota Ice is not self-performing the rink refrigeration system portion of the project. Minnesota Ice did not disclose the use of sub-contractors in their bid as required by Section 13 99 50, 1.3.B2. Following the bid letting, Minnesota Ice informed the City that a sub-contractor, Catawba Mechanical of Charlotte, North Carolina, will be designing and installing the refrigeration system. A representative of Catawba Mechanical indicated to the City Attorney that this is the first project that they have been involved in with Minnesota Ice.

3. **Minnesota Ice does not meet the requirement that refrigeration equipment must be built on-site.** This requirement was included in Addendum No. 2 as shown below:

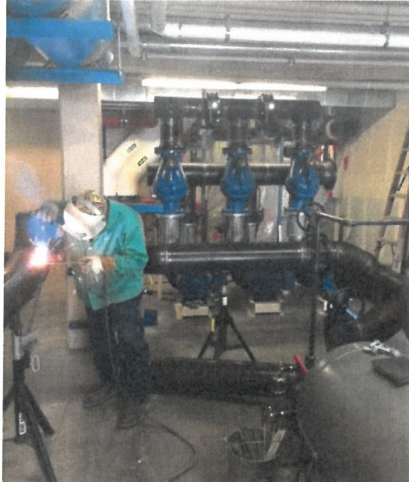
4. Drawing R-101 – Refrigeration Equipment shown on Drawing R-101 is not a pre-assembled package. On-site build is only acceptable. Work to be done by certified American welders and inspected by local officials.

All Addenda become part of the bid package, and both bidders acknowledged receipt of both Addendum No. 1 and No. 2 in their bids. Minnesota Ice indicated to the City Attorney on January 6 that their sub-contractor, Catawba Mechanical, will be building the refrigeration equipment off-site at their facility in North Carolina. There are significant differences between the two approaches.

- A commercial skid system is manufactured in a factory and shipped to the site by truck. The skid system is set in place and connected to the rink floor. The chiller barrel and all piping on a skid system come encased in insulation so welds and connections cannot be inspected. A skid system's size and length cannot be adjusted to accommodate the mechanical room size. The RecPlex project's mechanical room and equipment placement was specifically designed for a built-in-place system that can maximize the available space and be much more efficient for future servicing. Examples are shown below:



- Industrial on-site build insures local inspection of all welds and use of certified welders. The contractor can better fit the equipment to the space allowed for it and insure access in the equipment room for service and repair. Examples are shown below:



For the above reasons, it has been determined that the bid submitted by Minnesota Ice was not responsive to the bid specifications and therefore not in compliance with Iowa Code Chapter 26.9. Due to the inability of Minnesota Ice to meet the requirements of the state code, it is the recommendation of City staff that the bid of Minnesota Ice be rejected and Bid Package #5a. Ice Refrigeration Systems be awarded to Rink-Tec International, Inc. as the lowest, responsive, responsible bidder.

**OUTSTANDING ISSUES:** None.

**RECOMMENDATION:**

City Council Adopt:

- Resolution adopting Plans, Specifications, Form of Contract, and Estimate of Costs for MidAmerican Energy Company RecPlex-Bid Package #5a-Ice Refrigeration Systems;
- Motion receiving and filing Report of Bids;
- Resolution awarding the contract for Bid Package #5a-Ice Refrigeration Systems to Rink-Tec International Inc.



**Lead Staff Member:** Sally Ortgies, Director of Parks and Recreation

**STAFF REVIEWS**

Department Director	Sally Ortgies, Director of Parks and Recreation
Appropriations/Finance	Tim Stiles, Finance Director
Legal	Richard Scieszinski, City Attorney
Agenda Acceptance	RTJ

**PUBLICATION(S)** (if applicable)

Published In	Des Moines Register
Dates(s) Published	

**SUBCOMMITTEE REVIEW** (if applicable)

Committee	N/A		
Date Reviewed			
Recommendation	Yes	No	Split

**Resolution Adopting Plans,  
Specifications, Form of Contract, and  
Estimate of Cost**

**WHEREAS**, on December 2, 2019 Plans, Specifications, Form of Contract, and Estimate of Cost were filed with the City Clerk for the following described public improvement:

**MidAmerican Energy RecPlex – Ice Refrigeration BP #5A  
Project No. 0510-055-2018**

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 APPROVED** this 16<sup>th</sup> day of January, 2020.

\_\_\_\_\_  
Steven K. Gaer, Mayor

ATTEST:

\_\_\_\_\_  
Ryan T. Jacobson, City Clerk

**RESOLUTION AWARDING CONTRACT TO RINK-TEC INTERNATIONAL, INC. FOR  
MIDAMERICAN ENERGY REC PLEX – REFRIGERATION BID PROPOSAL #5A**

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

**MidAmerican Energy RecPlex – Ice Refrigeration BP #5A  
Project No. 0510-055-2018**

and,

**WHEREAS**, two bids were received and opened by the City Clerk and placed on file by the City Council.

and,

**WHEREAS**, the bid of Minnesota Ice, LLC in the amount of \$1,749,000.00 was the lowest bid received for the public improvement; and

**WHEREAS**, the bid received from Minnesota Ice, LLC did not provide the information required by the bid specifications regarding contractor qualifications, self-performance, and on-site build requirements; and

**WHEREAS**, due to the inability of Minnesota Ice, LLC to meet the bid specifications proposed by the City, the bid is non-responsive and is rejected for failing to comply with Iowa Code Chapter 26.9; and

**WHEREAS**, the bid of Rink-Tec International, Inc. in the amount of \$2,221,767.00 was the lowest responsive, responsible bid received for the public improvement; and

**WHEREAS**, as the lowest responsive, responsible bidder, the contract for Refrigeration BP #5A should be awarded to Rink-Tec International, Inc.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA**, that the contract for MidAmerican Energy RecPlex – Refrigeration BP #5A is awarded to Rink-Tec International, Inc.

**PASSED AND APPROVED** this 16<sup>th</sup> day of January, 2020.

\_\_\_\_\_  
Steven K. Gaer, Mayor

ATTEST:

\_\_\_\_\_  
Ryan T. Jacobson, City Clerk







**LARRISON & ASSOCIATES**  
architects

December 19, 2019

Mr. Richard Scieszinski  
City Attorney  
CITY OF WEST DES MOINES  
4200 Mills Civic Parkway  
West Des Moines, IA 50265

**RE: RecPlex Bids for Ice Refrigeration BP #5a**

Mr. Scieszinski:

Larrison & Associates Architects has reviewed the bids for this Project received 12/18/19.

The low bid was received from Minnesota Ice, LLC in the amount of \$1,749,000. We have the following concerns regarding the low bid:

1. On the required "Bidder Status Form", Minnesota Ice responded that they are NOT authorized / licensed to transact business in Iowa. They later answered in the affirmative that they could satisfy all of the Iowa and West Des Moines licensure requirements (without identifying how they would do this). This Project is on a fast track and the City Council is scheduled to approve a contract on January 6, 2020. You probably don't want to enter into a contract with a company not licensed to do the work.
2. "Contractor's Qualifications" submitted with the Bid require the Bidder to submit Subcontractors and the qualifications of the Concrete Finishers. These were not submitted.
3. Schedule: The bidder has qualified his bid stating that Minnesota Ice be guaranteed a minimum of 12 weeks to complete the work plus 8 weeks lead time for ordering materials after submittal approvals, plus time for preparing and approving submittals. This totals around 24 weeks, which is probably more time than we have (July 15, 2020, per contract).
4. Experience: The experience submitted doesn't appear to meet the "Contractor Qualifications" section of Specification Section 13 99 50, paragraph 1.3.A & 1.3.B (requires 10 completed projects in the last 2 years that are 2 sheet concrete floor indoor facilities with a site built ammonia refrigeration system with the same required amount of similar experience for the concrete subcontractor).

■ Quad Cities Office: 2322 East Kimberly Rd, Suite 120 S Davenport, Iowa 52807 (563) 386-9161  
□ Dubuque Office: 222 Dillon Street Dubuque, Iowa 52003 (563) 556-2740



RecPlex Bids for BP #5a.  
Page 2 of 2

It appears that this Project is larger and different than most of their completed work. This is further evidenced by the bid being much lower than expected. It was more than \$700,000 below our opinion of probable cost and approx.. \$500,000 below the 2<sup>nd</sup> low bid. Other bidders have said that their costs without any Overhead and Profit for the project as specified are more than the low bid. If a bid that is too low is accepted, it sets up difficult situations for a Contractor - either cut corners, try for change orders or lose money.

In light of the above concerns, Larrison & Associates Architects recommends that the City of West Des Moines considers rejecting the low bid from Minnesota Ice and accepting the 2<sup>nd</sup> low bid from Rink Tec International, Inc. in the amount of \$2,221,767.00.

Larrison & Associates Architects has reviewed the bid from Rink Tec and it appears to be fully compliant with the plans and specifications.

Please contact me if you have any questions concerning this matter.

Sincerely,

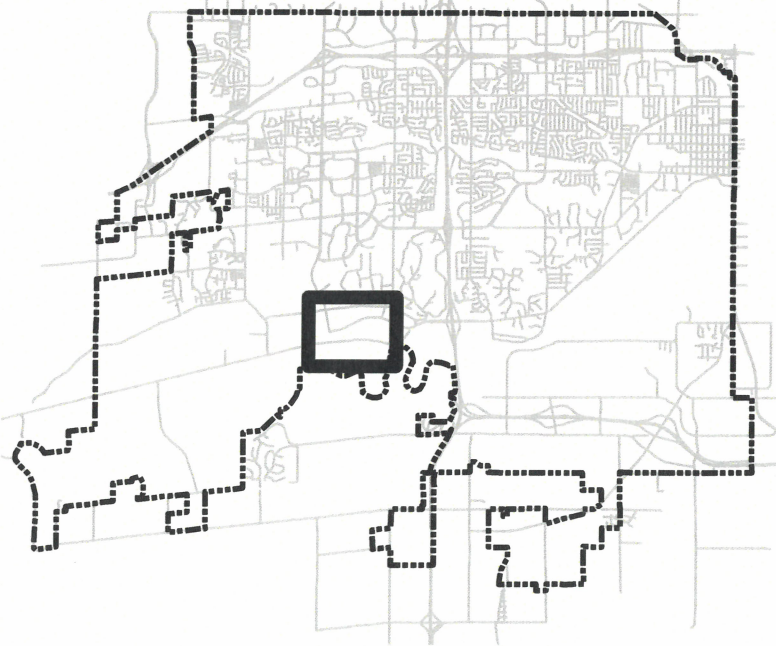
LARRISON & ASSOCIATES  
ARCHITECTS

Greg Larrison, AIA  
President / CEO





**VICINITY MAP**



**LEGEND**

PROJECT LOCATION



PROJECT:

**MidAmerican Energy RecPlex**

LOCATION:

**Exhibit "A"**

DRAWN BY: JDR

DATE: 1/16/2019

PROJECT NUMBER/NAME: 0510-055-2018

SHT. 1 of 1