

## WEST DES MOINES WATER WORK BOARD OF TRUSTEES MEETING COMMUNICATION

**DATE:** March 19, 2018

**ITEM:**

7. Construction Project Actions
  - a. 2018 Ground Storage Reservoir Painting – 2.0 MG Tank AC Ward Municipal Treatment Plant (Water Works Project No. 00800-120-17007)
    1. Resolution – Approving Construction Contract and Bond

**FINANCIAL IMPACT:**

No additional financial impact.

**SUMMARY:**

This action approves the executed contract and associated bond for the project. The contract was awarded at the January meeting.

**BACKGROUND:**

The West Des Moines Water Works system includes several water storage tanks. These tanks require periodic maintenance, including painting, to extend the service life of the tanks.

**RECOMMENDED ACTION BY THE BOARD OF TRUSTEES:**

That The Board of Trustees adopt "A Resolution Approving Construction Contract and Bond" as set out in the attached documents.

Prepared by: William Mabuce

Approved for Content by: [Signature]

**PROCEEDINGS OF THE BOARD OF TRUSTEES  
OF THE WEST DES MOINES WATER WORKS**

**CONSTRUCTION PROJECT MINUTES**

March 19, 2018

The Board of Trustees of the West Des Moines Water Works, West Des Moines, Iowa, met in regular session, at 4:00 o'clock P. M. on the above date. There were present Chair Brian Rickert and the following named members of The Board of Trustees were present or absent as shown in the following table:

Trustee	Present	Absent
Scott Brennan	_____	_____
Jody Smith	_____	_____
Gretchen Tegeler	_____	_____
Mary Thomsen	_____	_____

\* \* \* \* \*

In accordance with the agenda for this meeting, as approved by The Board of Trustees, at the appropriate time in the meeting:

Trustee \_\_\_\_\_ introduced the following Resolution entitled "A RESOLUTION APPROVING A CONSTRUCTION CONTRACT AND BOND", and moved that the same be adopted.

Trustee \_\_\_\_\_ seconded the motion to adopt the Resolution. The roll was called and the vote was:

Trustee	Yes	No	Pass	Absent
Scott Brennan	_____	_____	_____	_____
Brian Rickert	_____	_____	_____	_____
Jody Smith	_____	_____	_____	_____
Gretchen Tegeler	_____	_____	_____	_____
Mary Thomsen	_____	_____	_____	_____

Whereupon the Chair declared the following Resolution duly adopted:

**A RESOLUTION APPROVING THE CONSTRUCTION  
CONTRACT AND BOND**

**WHEREAS**, The Board of Trustees has awarded a construction contract to Viking Industrial Painting, Inc. for the construction of public improvements described in general as 2018 Ground Storage Tank Painting - 2.0 MG Tank (Water Works Project No. 00800-



120-17007) and said contract has been transmitted for signature to said firm and said firm shall provide a bond as called for by the contract:

**NOW, THEREFORE, BE IT RESOLVED  
BY THE BOARD OF TRUSTEES OF THE WEST DES MOINES  
WATER WORKS, AS FOLLOWS:**

Section 1. That the construction contract and bond for the construction of certain public improvements described in general as the 2018 Ground Storage Tank Painting - 2.0 MG Tank (Water Works Project No. 00800-120-17007), and as described in detail in the plans and specifications heretofore approved, which upon receipt of a signed construction contract and bond shall be signed by the Chair and Secretary on behalf of the Water Works be and the same hereby approved, as follows:

Contractor:	Viking Industrial Painting, Inc.
Date of contract:	January 22, 2018
Bond Surety:	<u>Western National</u> Mutual Ins. Company
Date of bond:	January 22, 2018
Amount of contract and bond:	\$323,500.00

**PASSED AND APPROVED**, this 19th day of March, 2018.

**THE BOARD OF TRUSTEES, WEST DES MOINES WATER WORKS**

\_\_\_\_\_  
Brian Rickert  
Chair

Attest:

\_\_\_\_\_  
Diana Wilson  
Secretary

\* \* \* \* \*

## CERTIFICATE

STATE OF IOWA )  
 ) ss  
COUNTIES OF POLK, DALLAS, )  
 MADISON AND WARREN )

I, the undersigned General Manager and Secretary of The Board of Trustees of the West Des Moines Water Works, West Des Moines, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Water Works showing proceedings of The Board of Trustees, and the same is a true and complete copy of the action taken by said Board with respect to said matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Board and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Board (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the Board and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective offices as indicated therein, that no Board vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

**WITNESS** my hand and the seal hereto affixed this 19th day of March, 2018.

Diana Wilson  
General Manager and Secretary  
Board of Trustees  
West Des Moines Water Works  
West Des Moines, Iowa

**CONTRACT**

**2018 Ground Storage Tank Painting – 2.0 MG Tank**

*A.C. Ward Municipal Treatment Plant  
1505 Railroad Avenue*

West Des Moines Water Works Project No. 00800-120-17007

THIS CONTRACT, made and entered into at West Des Moines, Iowa this 22nd day of January, 2018, by and between the West Des Moines Water Works, West Des Moines, Iowa, upon order of its Board of Trustees, hereinafter called the "Jurisdiction", and Viking Industrial Painting, Inc., of Evansville, MN hereinafter called the "Contractor".

- 12/3/18

**WITNESSETH:**

The Contractor hereby agrees to complete the work comprising the below referenced improvement as specified in the contract documents, which are officially on file with the Jurisdiction, in the office of the Secretary of The Board of Trustees. This contract includes all contract documents. The work under this contract shall be constructed in accordance with the 2018 Edition of the Urban Standard Specifications for Public Improvements and as further modified by the supplemental specifications and special provisions included in said contract documents. The Contractor further agrees to complete the work in strict accordance with said contract documents, and to guarantee the work as required by law, for the time required in said contract documents, after its acceptance by the Jurisdiction.

This contract is awarded and executed for completion of the work specified in the contract documents for the bid prices shown in the Proposal for this project. Said bid prices were proposed by the Contractor in its proposal submitted in accordance with the Notice of Letting and Notice of Public Hearing for the following described improvements. Quantity changes which amount to twenty (20) percent or less of the amount bid shall not affect the unit bid price. Quantities and prices were proposed by the Contractor in its Proposal submitted in accordance with the Notice of Letting and Notice of Public Hearing for the following described improvements:

**2018 Ground Storage Tank Painting – 2.0 MG Tank**

*A.C. Ward Municipal Treatment Plant  
1505 Railroad Avenue*

The Contractor agrees to perform said work for and in consideration of the Jurisdiction's payment of the bid amount of Three hundred twenty three thousand five hundred and 00/xx dollars (\$ 323,500.00 ), based on the unit prices and estimated quantities of work shown in the proposal, which amount shall constitute the required amount of the performance, maintenance, and payment bond. The Contractor hereby agrees to commence work under this contract on or before a date to be specified in a written notice to proceed by the Jurisdiction and to fully complete the project on or before the date shown in the Notice to Bidders and Notice of Public Hearing and to pay liquidated damages for noncompliance with said

2018 Ground Storage Tank Painting – 2.0 MG Tank  
West Des Moines Water Works

completion provisions at the rate of Seven Hundred Fifty dollars (\$750.00) for each calendar day thereafter that the work remains incomplete.

IN WITNESS WHEREOF, the Parties hereto have executed this instrument, in triplicate on the date first shown written.

**JURISDICTION:**

By \_\_\_\_\_

(Seal)

ATTEST:

\_\_\_\_\_

**CONTRACTOR:**

VIKING INDUSTRIAL PAINTING INC

Contractor

By

Dean Lund

Signature

Treasurer

Title

**FORM APPROVED BY:**

\_\_\_\_\_  
Attorney for Jurisdiction

17625 AARON HTS NW

Street Address

EVANSVILLE MN 56326

City, State, Zip Code

816-210-8142

Telephone

CONTRACTOR PUBLIC REGISTRATION INFORMATION To Be Provided By:

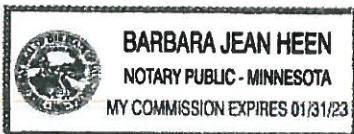
1. All Contractors: The Contractor shall enter its Public Registration Number C 0022 - 09 issued by the Iowa Commissioner of Labor pursuant to Section 91C.5 of the Iowa Code.
2. Out-of-State Contractors:
  - A. Pursuant to Section 91C.7 of the Iowa Code, an out-of-state contractor, before commencing a contract in excess of five thousand dollars in value in Iowa, shall file a bond with the division of labor services of the department of workforce development. The contractor should contact 515-242-5871 for further information. Prior to contract execution, the Jurisdiction may forward a copy of this contract to the Iowa Department of Workforce Development as notification of pending construction work. It is the contractor's responsibility to comply with said Section 91C.7 before commencing this work.
  - B. Prior to entering into contract, the designated low bidder, if it be a corporation organized under the laws of a state other than Iowa, shall file with the Jurisdictional Engineer a certificate from the Secretary of the State of Iowa showing that it has complied with all the provisions of Chapter 490 of the Code of Iowa, or as amended, governing foreign corporations. For further information contact the office of the Iowa Secretary of State at 515-281-5204.

NOTE: All signatures on this contract must be original signatures in ink; copies or facsimile of any signature will not be accepted.

**CORPORATE ACKNOWLEDGMENT**

State of MINNESOTA )  
 ) SS  
KANDIYOHI County)

On this 7<sup>th</sup> day of March, 2018, before me, the undersigned, a Notary Public in and for the State of Minnesota, personally appeared Leah Lund and \_\_\_\_\_, to me known, who, being by me duly sworn, did say that they are the Treasurer, and \_\_\_\_\_, respectively, of the corporation executing the foregoing instrument; that (no seal has been procured by) (the seal affixed thereto is the seal of) the corporation; that said instrument was signed (and sealed) on behalf of the corporation by authority of this Board of Directors; that Leah Lund and \_\_\_\_\_ acknowledged the execution of the instrument to be the voluntary act and deed of the corporation, by it and by them voluntarily executed.



Barbara Jean Heen  
Notary Public in and for the State of Minnesota  
My commission expires Jan. 31, 2023

**PARTNERSHIP ACKNOWLEDGMENT**

State of \_\_\_\_\_ )  
 ) SS  
\_\_\_\_\_ County)

On this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, before me, the undersigned, a Notary Public in and for the State of \_\_\_\_\_, personally appeared \_\_\_\_\_ to me personally known, who being by me duly sworn, did say that the person is one of the partners of \_\_\_\_\_, a partnership, and that the instrument was signed on behalf of the partnership by authority of the partners and the partner acknowledged the execution of the instrument to be the voluntary act and deed of the partnership by it and by the partner voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_  
My commission expires \_\_\_\_\_, 20\_\_



**INDIVIDUAL ACKNOWLEDGMENT**

State of \_\_\_\_\_ )  
 ) SS  
\_\_\_\_\_ County)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for the State of \_\_\_\_\_, personally appeared \_\_\_\_\_ and \_\_\_\_\_, to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that (he) (she) (they) executed the instrument as (his) (her) (their) voluntary act and deed.

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_  
My commission expires \_\_\_\_\_, 20\_\_\_\_

**LIMITED LIABILITY COMPANY ACKNOWLEDGMENT**

State of \_\_\_\_\_ )  
 ) SS  
\_\_\_\_\_ County)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me a Notary Public in and for said county, personally appeared \_\_\_\_\_, to me personally known, who being by me duly sworn did say that person is \_\_\_\_\_ of said \_\_\_\_\_, that (the seal affixed to said instrument is the seal of said OR no seal has been procured by the said) \_\_\_\_\_, and that said instrument was signed and sealed on behalf of the said \_\_\_\_\_, by authority of its managers and the said \_\_\_\_\_ acknowledged the execution of said instrument to be the voluntary act and deed of said \_\_\_\_\_, by it voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_  
My commission expires \_\_\_\_\_, 20\_\_\_\_