

**CITY COUNCIL  
COMMUNICATION:**

**02-650**

**AGENDA:**

DECEMBER 16, 2002

**SUBJECT:**

FORMER DILLER  
BATTERY SITE  
CLEAN UP CHANGE  
ORDER NO. 1

**TYPE:**

**RESOLUTION**

ORDINANCE  
RECEIVE/FILE

**SUBMITTED BY:**

JOHN F. MCKEE,  
ACTING CITY  
ENGINEER

**ITEM 10**

**OFFICE OF THE CITY MANAGER  
CITY OF DES MOINES, IOWA**

**SYNOPSIS —**

A change order in the amount of \$38,860 has been negotiated with Environmental Contractors of Illinois, Inc. (M. W. Rafferty, President, 5290 Nimtz Road, Love Park, Illinois), for additional work in conjunction with the Former Diller Battery Side Clean Up. This change order will increase quantities at the contract prices bid for over-excavation and haul special waste, backfill, and concrete removal. Additional contaminated soil must be removed beyond the original contract limits to meet the United States Environmental Protection Agency (USEPA) cleanup requirements. The City is paying the Metro Waste Authority directly for disposal of the contaminated soil, at \$31.00/ton; therefore the City also must pay an additional \$68,200 for disposal of 2,200 tons of contaminated soil.

**FISCAL IMPACT —**

The funding to this change order is provided in the current Capital Improvement Budget, Economic Development Funds - Diller Battery Site Clean Up, Index Code 409748, Account 543080, Fund SP040, Organization PKS990000, Project PKS097, and Activity ID 04-2001-009. The total cost of the change order and disposal is \$107,060. In accordance with the agreement approved by the City Council on October 22, 2001, under Roll Call No. 01-3245, the City of Des Moines shall pay one-third of clean up cost, Polk County shall pay one-third, and the Union Pacific Railroad shall pay one-third. (Approximately \$35,687 each)

**RECOMMENDATION —**

**Approval of Change Order No. 1 with Environmental Contractors of Illinois, Inc.**

**BACKGROUND —**

During the over-excavation of lead and polycyclic aromatic hydrocarbons contaminated soil at the Former Diller Battery Site (FDBS), sampling and testing revealed that the contamination exceeded original contract limits and additional soil removal was necessary to comply with USEPA cleanup requirements. The USEPA cleanup requirements for the FDBS were established in the administrative order on consent and agreement for removal action

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dated November 14, 2001. In order to achieve USEPA cleanup requirements, an additional 2,200 tons of contaminated soil was removed, hauled to Metro Waste Authority landfill, and ultimately backfilled at a total cost of \$38,860.

The City of Des Moines has negotiated a special rate for disposal of contaminated soil for this contract. The landfill fees for disposal of the contaminated soil will increase by \$68,200 from an estimated \$233,400 to \$301,600. The total cost for removal of the additional contaminated soil is \$107,060 (\$38,860 removal plus \$68,200 disposal).

A participation agreement was approved by City Council on October 22, 2001, under Roll Call No. 01-3245 whereby the City of Des Moines shall pay one-third of the cleanup cost, Polk County shall pay one-third and the Union Pacific Railroad shall pay one-third (approximately \$35,687 each). The City of Des Moines shall seek reimbursement of one-third from Polk County and one-third from Union Pacific Railroad for the increased amount of Change Order No. 1 and for the increase in the disposal at Metro Waste Authority.

The engineer's original construction estimate for the project was \$348,150 plus \$233,400 for landfill disposal of contaminated soil for a total of \$581,550. The agreements with Polk County and the Union Pacific Railroad were approved at those cost levels. The as-built cost including Change Order No. 1 is \$187,195 plus \$301,600 for disposal of contaminated soil for a total of \$488,795, which is \$92,755 less than the original estimate and approved agreement funding.

