

**CITY COUNCIL
COMMUNICATION:**

03-169

AGENDA:

APRIL 7, 2003

SUBJECT:

SUPPLEMENTAL
AGREEMENT NO. 1
WITH TERRACON,
INC. FOR
ADDITIONAL
INSPECTION
SERVICES FOR THE
FORMER DILLER
BATTERY SITE

TYPE:

RESOLUTION
ORDINANCE
RECEIVE/FILE

SUBMITTED BY:

JEB E. BREWER, P.E.
CITY ENGINEER

**REVISED
ITEM 8**

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

SYNOPSIS —

On October 22, 2001, by Roll Call No. 01-3246, City Council approved a consultant agreement for design specifications and inspection services for over-excavation of soils at the former Diller Battery Site with Terracon, Inc., (Larry Davidson, President, 600 S.W. 7th Street, Suite M, Des Moines, IA, 50309). Supplemental Agreement No. 1 will provide for additional construction phase services, including additional confirmation sampling and daily blank and duplicate samples required, because sampling and testing during the soil removal contract revealed that the soil contamination exceeded original contract limits and additional soil removal was necessary to comply with United States Environmental Protection Agency (USEPA) cleanup requirements. This additional confirmation sampling and additional daily blank and duplicate samples were required by the consultant to establish that all contaminated soil was removed to satisfy the USEPA cleanup goals.

Compensation for all additional construction phase services shall be \$22,025 based upon the unit rates included in the consultant's original proposal and contract, which anticipated that additional testing may be necessary if additional contamination was encountered.

FISCAL IMPACT —

The consulting firm of Terracon, Inc. has agreed to provide services covered by Supplemental Agreement No. 1 for a fee of \$22,025. By 28E Participation Agreement, the City of Des Moines, Polk County, and the Union Pacific Railroad shall share equally in the expenses of Supplemental Agreement No. 1 (\$7,341.67 each). Funds for this supplemental agreement are provided in the Capital Improvements Program, General Obligation Bonds – Diller Battery Site Clean Up, Index Code 409748, Account 543080, Fund SP040, Organization PKS990000, Project PKS097, Activity ID 01-2001-052. The total cost of this project including this supplemental is \$70,730, less than the original budget estimate and 28E Agreement amount.

RECOMMENDATION —

Approval of Supplemental Agreement No. 1 between the City of Des Moines and Terracon, Inc.

BACKGROUND —

**CITY COUNCIL
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On October 22, 2001, by Roll Call No. 01-3246, City Council approved a consultant agreement with Terracon, Inc. for the design specifications and inspection services for the over-excavation of soils at the former Diller Battery site. A supplemental consultant agreement will be required to provide additional inspection services that were necessary due to the additional over-excavation activities.

In November 2001, the City, Polk County, and Union Pacific Railroad prepared a participation agreement to equally share in the cost for removal and disposal of contaminated soils at the former Diller Battery Site.

On December 16, 2002 under Roll Call 02-2860, the City Council approved a change order in the amount of \$38,860 with Environmental Contractors of Illinois, Inc. (M.W. Rafferty, President, 5290 Nimitz Road, Love Park, Illinois), for additional work in conjunction with the Former Diller Battery Site Clean Up. This change order increased quantities at the contract prices bid for over-excavation and haul special waste, backfill, and concrete removal. During the over-excavation of lead and polycyclic aromatic hydrocarbons contaminated soil at the former Diller Battery Site, 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 former Diller Battery Site were established in the administrative order on consent and agreement for removal action 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 had negotiated a special rate for disposal of contaminated soil for this contract directly with Metro Waste Authority. The landfill fees for disposal of the contaminated soil increased 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).

Since additional contamination was encountered, additional confirmation sampling and additional daily blank and duplicate samples were required by the consultant to establish that the clean-up goals were achieved.

