



Council Communication

Office of the City Manager

Date

April 9, 2007

Agenda Item No. 10
Roll Call No. 07-
Communication No. 07-188
Submitted by: Jeb E. Brewer, P.E.
City Engineer

AGENDA HEADING:

Emergency proceedings for the 7300 Block of S.W. 12th Street Emergency Sewer Repair: Receive and file the City Manager's Emergency Declaration, and approve the emergency contract with the lowest responsible bidder, The Underground Company, Duane Burkhardt, President, \$64,500.

SYNOPSIS:

Recommend the City Council approve emergency proceedings for the 7300 Block of S.W. 12th Street Emergency Sewer Repair and take the necessary actions to institute emergency proceedings under Section 384.103(2) of the Iowa Code to authorize a contract for construction of the proposed project. On March 27, 2007, the City Manager declared this sewer repair an emergency to be constructed immediately, waived the bidding requirement, and directed the City Engineer to prepare an emergency contract with The Underground Co. in the amount of \$64,500 for City Council approval at the next available meeting.

FISCAL IMPACT:

Amount: \$64,500 Emergency Repair Contract

Funding Source: 2007-2008 CIP, Page Sanitary-5, City-wide Sanitary Sewers, SAE054, Sanitary Sewer Funds

ADDITIONAL INFORMATION:

Before the City Council can enter into a contract, it must make a finding of the necessity to institute emergency proceedings under Section 384.103(2) of the Iowa Code for the 7300 Block of S.W. 12th Street Emergency Sewer Repair; including receive, file, and approve the City Manager's March 27, 2007 Emergency Declaration which is attached to the Roll Call, whereby the City Manager declared the sewer repair an emergency to be constructed immediately, waived the bidding requirements, and directed the City Engineer to prepare an emergency contract with the the lowest responsive, responsible bidder for the construction of the 7300 Block of S.W. 12th Street Emergency Sewer Repair, 07-2007-002. The emergency work includes all labor, equipment, and materials necessary to complete these sewer spot repairs to the existing 8" sanitary sewer within the street right-of-way in the 7300 and 7400 blocks of S.W. 12th Street and also cleaning and televising of the sanitary sewer between the Location 1 and 2 repairs. The City of Des Moines has determined that the sanitary sewer has collapsed at two locations. The major items of work concerning this repair will include the following:
Location 1: Vicinity of 7306/7307 S.W. 12th Street, 50 feet to 75 feet south of MH HHE034.
Location 2: Vicinity of 7404/7405 S.W. 12th Street, 95 feet to 120 feet north of MH HHE032.

Location 3: To be constructed if the sanitary sewer televising discovers an additional location that has collapsed. If the sanitary sewer between Locations 1 and 2 is found to be in satisfactory condition, Location 3 will not be constructed and the quantities deleted.

Bids were received by the City Engineer at City Hall, 400 Robert D Ray Drive, Des Moines, Iowa until 9:00 a.m. on March 27, 2007. Bids were received from the following bidders:

- Rognes Corporation, Ankeny, IA
- The Underground Company, Ltd., Carlisle, IA
- McAninch Corporation, West Des Moines, IA
- Van Hauen & Associates, Inc., Clive, IA

The City Engineer recommended acceptance of the lowest bid from Rognes Corporation in the amount of \$53,435; however, Warren Rognes, President of Rognes Corporation, notified the City Engineer that Rognes Corporation could not provide a Performance, Payment, and Payment Bond as required by the proposal. Additionally, Section 573.2 of the Iowa Code requires that “Contracts for the construction of a public improvement shall, when the contract price equals or exceeds \$25,000, be accompanied by a bond, with surety, conditioned for the faithful performance of the contract.” Therefore, the City Engineer has recommended that the bid submitted by Rognes Corporation be declared non-responsible and be rejected by the City Council.

The City Engineer further recommends that the bid submitted by The Underground Company (Duane Burkhardt, President, 12245 Dakota Street, Carlisle, Iowa, 50047) in the amount of \$64,500 be accepted as the lowest responsive, responsible bid for the construction of said emergency. The Finance Director has determined that funds are available for said work as stated above.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Partial payments to the contractor and final acceptance of work.