



Council
Communication
Office of the City Manager

Date July 9, 2007

Agenda Item No. 9
Roll Call No. 07-
Communication No. 07-404
Submitted by: Jeb E. Brewer, P.E.
City Engineer

AGENDA HEADING:

Approving Change Order No. 5 with J. Pettiecord Inc. for additional work on the Agrimergent Technology Park – Clearing & Grubbing Contract No. 2 for a total not to exceed \$101,665, plus direct payment to Metro Park East Landfill for disposal of solid waste and contaminated soil estimated at \$89,500; or a total of \$191,165.

SYNOPSIS:

Approval of Change Order No. 5 in an amount not to exceed \$101,665 with J. Pettiecord Inc., (Jeff L. Pettiecord, President, 5043 NE 22nd Street, Des Moines, Iowa, 50313), for additional work on the Agrimergent Technology Park – Clearing & Grubbing Contract No. 2 to provide additional excavation, hauling, and disposal of buried building foundations and rubble, buried rubble, buried debris mixed with soil, and also contaminated soil. Staff has negotiated directly with Metro Park East Landfill for disposal of these materials, which is estimated at \$89,500.

FISCAL IMPACT:

Amount: \$101,665 for Change Order No. 5 with J. Pettiecord Inc. plus direct payment to Metro Park East Landfill for disposal of solid waste and contaminated soil estimated at \$89,500; or a total of \$191,165.

Funding Source: 2007-08 CIP, Page Economic Development-5, SE Ag Park Area, URR035, TIF-Backed G. O. Bonds

ADDITIONAL INFORMATION:

Agrimergent Technology Park - Clearing & Grubbing Contract 2 was awarded to J. Pettiecord Inc. on March 26, 2007. The contract requires the contractor to remove trees and brush as well as all known rubble visible on the surface of the ground on approximately 27 acres on City-owned property. The contract also requires the contractor to remove stumps and grub-out all roots 18 inches below the ground surface with a ripper and root rake before discing the ground and planting oats for erosion control. In the event that unknown buried foundations and rubble were discovered during this process, the contract included Bid Item No. 3 (Removal of buried building foundation & rubble, which J. Pettiecord Inc. bid at \$40.00 per cubic yard) with an estimated quantity of 500 cubic yards to establish a bid price to pay for small quantities of buried rubble. During this final operation, the contractor discovered 1,870 cubic yards of buried concrete, foundations, and brickbat in an area east of 1411 SE 37th Street. Due to the large quantity of this buried rubble as compared to the estimated 500 cubic yards for Bid Item No. 3 in the contract, City staff has negotiated a price of \$20.00 per cubic yard with J. Pettiecord Inc. to excavate, sort, load, and haul the materials for disposal at a recycle site, and then backfill the excavation resulting from removal of this buried building foundations and rubble, with the total cost for this work being \$37,400.

In addition, during its ripping and grubbing operation, J. Pettiecord Inc. discovered another site at 1412 SE 37th Street that contains buried rubble, buried debris mixed with soil, and also possible contaminated soil. Staff anticipates that approximately 2,000 cubic yards of material (estimated at 2,600 tons) will need to be excavated, loaded, and disposed of. Staff has had the material tested and there are not any contaminants in excess of EPA Action Limits. The buried rubble and buried debris mixed with soil contain material that cannot be economically sorted and recycled; and as a result must also be excavated, loaded, and hauled to Metro Park East Landfill for disposal. Staff has worked directly with Metro Park East Landfill for the City to dispose of this debris, and Metro Park East Landfill has agreed to accept this material, if paid directly by the City, at its Solid Waste price of \$32.00 per ton instead of Special Waste at \$50.00 per ton. Staff has negotiated a price of \$15.00 per ton with J. Pettiecord Inc. to excavate, load, and haul this solid waste to Metro Park East Landfill. In addition, J. Pettiecord Inc. will need to provide and haul soil to backfill the excavation, which is estimated at 1,000 cubic yards at the negotiated price of \$9.00 per cubic yard for backfill and compaction. In addition to the rubble, there are approximately 350 tons of contaminated soil that J. Pettiecord Inc. must load and haul to Metro Park East Landfill for disposal at the same negotiated price of \$15.00 per ton. The total estimated cost for this work under the Change Order No. 5 with J. Pettiecord Inc. is \$53,250. The City of Des Moines will pay Metro Park East Landfill directly for disposal of the estimated 2,600 tons of solid waste at \$32.00 per ton, and disposal of the 350 tons of contaminated soil at \$18.00 per ton, which is estimated at a total of \$89,500. Therefore, the total estimated cost of the removal and disposal of this unknown buried rubble and contaminated soil is \$142,750. The final costs will be based on actual weight tickets from the Metro Park East Landfill.

During the clearing and grubbing operations in April, the contractor discovered an underground storage tank. In accordance with the Iowa Department of Natural Resources (IDNR) regulations, the contractor is required to dispose of any fluids in the tank (approximately 7,000 gallons), clean & dispose of the tank and provide the City of Des Moines with IDNR certification of closure of the underground storage tank. Staff negotiated Change Order No. 1 with J. Pettiecord Inc. for this tank removal in the amount of \$18,000, which was approved by the City Manager on April 20, 2007. However, after the fluid was removed and the tank opened, the contractor discovered approximately two and half feet of sludge mixed with punctured aerosol cans, hypodermic syringes, and other materials/debris in the bottom of the tank. Apparently, someone had disposed of drug waste through the fill pipe of the underground storage tank. This material was extremely hazardous, and ultimately had to be packed in barrels and shipped to a disposal site located in Missouri where it will be incinerated. There was enough material in the bottom of this tank to fill nineteen fifty-five-gallon drums. The additional cost of the disposal of this hazardous material is \$11,015 based on invoices received.

The Roll Call authorizes approval of Change Order No. 5 with J. Pettiecord Inc. in an amount not to exceed \$101,665 for all three of these locations, plus direct payment to Metro Park East Landfill for disposal of solid waste and contaminated soil estimated at \$89,500; or a total of \$191,165.

PREVIOUS COUNCIL ACTION(S):

Date: March 26, 2007

Roll Call Number: [07-597](#)

Action: On Agrimergent Technology Park-Clearing & Grubbing Contract No. 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as J. Pettiecord Inc., (Jeff L. Pettiecord, President), \$472,200. ([Council Communication No. 07-169](#)) Moved by Meyer to adopt. Motion Carried 7-0.

Date: March 26, 2007

Roll Call Number: [07-598](#)

Action: (A) Approving contract and bond, and permission to sublet. Moved by Meyer to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Normal Council actions on construction contracts.