



Council Communication

Office of the City Manager

Date

June 23, 2008

Agenda Item No. 50
Roll Call No. 08-
Communication No. 08-389
Submitted by: Jeb E. Brewer, P.E.
City Engineer

AGENDA HEADING:

Approval of emergency proceeding at various locations for emergency repairs and approval of emergency purchase orders with the lowest responsible bidder.

SYNOPSIS:

Recommend the City Council make a finding that emergency repair is necessary and further make a finding of necessity to institute emergency repairs under Subsection 384.103(2) of the Code of Iowa.

It is also recommended that the City Council authorize and direct the Purchasing Agent to execute purchase orders with the lowest bidders for the work as referenced below in additional information.

FISCAL IMPACT:

Amount: \$619,000 (City Engineer's Estimate)

Funding Source: 2008-2009 Operating Budget, SP854, ENG982008, OPR178, 2008 Storms Mitigation/Recovery

ADDITIONAL INFORMATION:

Recent flooding on the Des Moines and Raccoon Rivers and heavy local rains resulting in surcharge of the sanitary and storm sewers have caused damage to the following public improvements:

- Sanitary Sewer collapse in the area of South Union Street and Kirkwood Avenue which caused closure of one lane on South Union and requires 24-hour per day bypass pumping by Public Works.
- Storm Sewer break on SE 6th Street south of the Des Moines River Bridge which caused SE 6th Street to collapse and be closed.
- Birdland Levee failure north of New York Avenue requiring the breach to be filled and pile driven to restore levee protection for the area.
- Sanitary Sewer collapse on Boyd Street near E 9th Street resulting in a partial closure of Boyd Street and requires 24-hour per day bypass pumping by Public Works.

The scope of these emergency repairs require the services of a private contractor because of the urgent nature of the required repairs and the flood fighting workload on the Public Works Department. The delay in advertising and holding a public letting might cause serious loss or injury to the City. Staff has made estimates of the work and contacted local private contractors to provide their services. Where time permitted, staff requested contractors to submit bids for the repair work.

Section 384.103(2) of the Iowa Code provides for emergency repairs as follows:

When emergency repair of a public improvement is necessary and the delay of advertising and a public letting might cause serious loss or injury to the City, the governing body shall, by resolution, make a finding of the necessity to institute emergency proceedings under this section, and shall procure a certificate from a competent registered professional engineer or architect, not in the regular employ of the City, certifying that emergency repairs are necessary.

In that event the governing body may contract for emergency repairs without holding a public hearing and advertising for bids, and the provisions of Chapter 26 do not apply.

H.R. Veenstra, Jr., P.E., of Veenstra & Kimm has inspected these sites and has recommended that emergency repair actions be taken.

On Monday, June 9, 2008, the City Manager declared an operating emergency related to the anticipated flooding in the City of Des Moines and departments were authorized under Section 2-709 (b) (Public and Operating Emergencies) Municipal Code of the City of Des Moines to procure in the open market, without filing a requisition, purchase order, or request for proposals or estimate therefore and without advertisement, any goods and/or services that could not have been reasonably foreseen or anticipated, for immediate delivery or furnishing to meet such operating emergency when necessary. Goods and services should be acquired using normal procedures when feasible.

In order to comply with the Municipal Code of the City of Des Moines and the Iowa Code, staff recommends that the City Council consider the following actions:

1. Approve, ratify, and confirm the emergency actions of the City Manager, Purchasing Agent, and the City Engineer.
2. Make a finding that emergency repairs are necessary and further make a finding of necessity to institute emergency repairs under Subsection 384.103(2) of the Code of Iowa for the work referenced above in additional information.
3. Authorize and direct the Procurement Administrator to execute purchase orders to the following contractors for the referenced work:
 - The Underground Company, Ltd., Duane Burkhardt, President, 12245 Dakota Street, Carlisle, IA 50047 in the amount of \$29,500 to repair the Sanitary Sewer collapse in the area of South Union Street and Kirkwood Avenue. Two bids were received with the other bid being from Van Hauen & Associates, Inc., Mark Van Hauen, CEO/Vice President, 13185 Pineview Drive, Clive, IA 50325 in the amount of \$49,000.
 - Van Hauen & Associates, Inc., Mark Van Hauen, CEO/Vice President, 13185 Pineview Drive, Clive, IA 50325 in the estimated amount of \$50,000 to repair the Storm Sewer break on SE 6th Street south of the Des Moines River Bridge. Staff determined this was a traffic emergency to

get the street reopened as soon as possible, so bids were not received. Staff directed Van Hauen and Associates to begin the work immediately.

- Cramer and Associates, Inc., Robert Cramer, 5600 Brookside Drive, Grimes, IA 50111 in the estimated amount of \$500,000 to restore the Birdland Levee that failed north of New York Avenue. This levee breach needed to be repaired as soon as possible to prevent flooding and restore the levee protection to the Birdland area. Staff determined that this work was an emergency and began negotiations with Cramer and Associates, Inc. because the repair would require 40 foot-long steel pile to be driven for 175' to close the breach. Cramer had equipment in the area and is capable of driving the necessary pile. Because of the emergency nature of this repair and Cramer's capabilities, Cramer was directed to begin the work immediately.
- The Underground Company, Ltd., Duane Burkhardt, President, 12245 Dakota Street, Carlisle, IA 50047 in the amount of \$39,500 to repair the Sanitary Sewer collapse on Boyd Street near E 9th Street. Two bids were received with the other bid being from Van Hauen & Associates, Inc., Mark Van Hauen, CEO/Vice President, 13185 Pineview Drive, Clive, IA 50325 in the amount of \$76,000.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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