



# Council Communication

Office of the City Manager

Date

July 14, 2008

Agenda Item No. 75  
Roll Call No. 08-  
Communication No. 08-410  
Submitted by: Jeb E. Brewer, P.E.  
City Engineer

## AGENDA HEADING:

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

## SYNOPSIS:

Recommend the City Council approve, ratify, and confirm the actions of the City Manager and City Engineer regarding the emergency repairs referenced below and make a finding that emergency repairs were necessary and a finding of necessity to institute emergency repairs under Subsection 384.103(2) of the Code of Iowa; and also approve, ratify, and confirm the actions of the Procurement Administrator to issue purchase orders with the lowest bidders for emergency repairs to public improvements at the following locations:

- SE 5th & Livingston Storm Sewer Repair: Activity ID 14-2008-066
- SE 8th & Van Buren Storm Sewer Repair: Activity ID 14-2008-068
- SE 6th & Jackson Storm Sewer Repair: Activity ID 14-2008-069
- 800 Block of Boyd Street Sanitary Sewer Repair: Activity ID 14-2008-070
- Robert D Ray Drive Sanitary Sewer Repair: Activity ID 14-2008-072
- SE 14<sup>th</sup> Street and E Park Avenue Sanitary Sewer Repair: Activity ID 14-2008-074

## FISCAL IMPACT:

Amount: \$478,835 Total cost for six Purchase Orders issued

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 public improvements as listed below. The scope of these emergency repairs required 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.

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 the sites and has determined that emergency repair actions should 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 have not 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 and the City Engineer regarding the emergency repair work and make a finding that emergency repairs were necessary and a finding of necessity to institute emergency repairs under Subsection 384.103(2) of the Code of Iowa for the following work:
  - SE 5th & Livingston Storm Sewer Repair: Activity ID 14-2008-066: This work includes the spot repair of the 48” storm sewer and street repair. The 48” storm sewer has failed under SE 5<sup>th</sup> north of Livingston resulting in a sinkhole that has caused a portion of the street to collapse into the sinkhole. The sinkhole has also caused damage to a portion of a parking lot that will also be removed and replaced. The contractor will be required to dewater the work area before commencing the storm sewer repair.
  - SE 8th & Van Buren Storm Sewer Repair: Activity ID 14-2008-068: This work includes the spot repair of the 42” storm sewer and street repair. The 42” storm sewer has failed under SE 8th & Van Buren resulting in a sink hole that has caused a portion of the street to collapse into the sinkhole. The local storm sewer system, including manholes, intakes, and 15” storm sewer was also damaged and needs to be repaired. The contractor will be required to dewater the work area before commencing the storm sewer repair.
  - SE 6th & Jackson Storm Sewer Repair: Activity ID 14-2008-069: This work includes the spot repair of the 24” storm sewer and street repair. The 24” storm sewer cross run has failed under SE 6<sup>th</sup> at Jackson resulting in a sinkhole that has caused a portion of the street to settle. The cross run has settled over the sanitary sewer; therefore, the sanitary sewer may have failed which caused damage to the storm sewer and street. The bid includes repair of the street, storm and sanitary sewer. The contractor will be required to dewater the work area before commencing the sewer repairs.
  - 800 Block of Boyd Street Sanitary Sewer Repair: Activity ID 14-2008-070: This work includes the repair of the 12” sanitary sewer collapse in the 800 Block of Boyd Street and repair of the street. This is the second repair in this area. Purchase Order Number 21185 was for a sanitary sewer repair of a collapse near E 9<sup>th</sup> and Boyd Street. After this repair was made, the sanitary sewer still did not function and the sewer in the 800 block was televised in an attempt to find the

problem. The televising identified additional areas of failure in the 800 Block of Boyd Street that were not as apparent as the initial failure; however, the sewer has failed and needed repair.

- Robert D. Ray Drive Sanitary Sewer Repair: Activity ID 14-2008-072: This work includes the spot repair of the 48” brick sanitary sewer and street repair. The 48” brick sanitary sewer has failed under Robert D Ray Drive approximately 500 feet north of the Armory resulting in a sinkhole that has caused a portion of the street to collapse into the sinkhole. The contractor will be required to dewater the work area before commencing the sanitary sewer repair, and supply by-pass pumping of the sanitary sewer flow until the repair is completed.
- SE 14<sup>th</sup> Street and E Park Avenue Sanitary Sewer Repair: Activity ID 14-2008-074: This work shall include the repair of a 30” sanitary sewer located east of SE 14<sup>th</sup> Street and south of E Park Avenue behind the Hy-Vee Store in an open drainageway downstream from a 66” storm sewer outlet. The sanitary sewer has been washed out by the recent high storm water flows and was overflowing into the drainageway causing a sanitary sewer overflow condition. Bypass pumping has been initiated to eliminate the sanitary sewer overflow. The bypass pumping will need to continue until repairs to the sanitary sewer can be completed on an emergency basis.

2. Approve, ratify, and confirm the emergency actions of the Procurement Administrator to execute purchase orders to the following low bidders for the referenced work:

- SE 5th & Livingston Storm Sewer Repair: Activity ID 14-2008-066: AND SE 8th & Van Buren Storm Sewer Repair: Activity ID 14-2008-068: The work at these two locations was combined for bidding purposes because the two repairs are in the same area and are similar work. Three bids were received on June 26th for the work being:
  - \$145,000 from Van Hauen & Associates.
  - \$225,111 from Corell Contractor Inc.
  - \$455,400 from The Underground Company.

Purchase Order No. 21346 was issued to Van Hauen & Associates, Mark Van Hauen, CEO/Vice President, 13185 Pineview Drive, Clive, IA 50325 in the amount of \$145,000. Based on unit bid prices, the breakdown for each location is as follows:

- \$68,750 for SE 5th & Livingston Storm Sewer Repair: Activity ID 14-2008-066.
- \$76,250 for SE 8th & Van Buren Storm Sewer Repair: Activity ID 14-2008-068.
- SE 6th & Jackson Storm Sewer Repair: Activity ID 14-2008-069: Three bids were received on June 27th for the work being:
  - \$81,735 from Corell Contractor Inc.
  - \$118,890 from The Underground Company.
  - \$145,000 from Van Hauen & Associates.

Purchase Order No. 21368 was issued to Corell Contractor Inc., Grant S. Corell, President, 1300 Lincoln Street, West Des Moines, IA 50265 in the amount of \$81,735.

- 800 Block of Boyd Street Sanitary Sewer Repair: Activity ID 14-2008-070: Three bids were received on June 25<sup>th</sup> for the work being:
  - \$53,100 from The Underground Company, Ltd.
  - \$97,000 from Van Hauen & Associates, Inc
  - \$100,000 from Corell Contractor Inc

Purchase Order No. 21284 was issued to The Underground Company, Ltd., Duane Burkhardt, President, 12245 Dakota Street, Carlisle, IA 50047 in the amount of \$53,100.

- Robert D. Ray Drive Sanitary Sewer Repair: Activity ID 14-2008-072: Three bids were received on July 1, 2008 for the work being:
  - \$134,000 from Van Hauen & Associates.
  - \$217,200 from The Underground Company.

- \$349,500 from Corell Contractor Inc  
Purchase Order No. 21391 was issued to Van Hauen & Associates, Mark Van Hauen, CEO/Vice President, 13185 Pineview Drive, Clive, IA 50325 in the amount of \$134,000.
- SE 14<sup>th</sup> Street and E Park Avenue Sanitary Sewer Repair: Activity ID 14-2008-074: Two bids were received on July 2, 2008 for the work being:
  - \$65,000 from The Underground Company.
  - \$97,000 from Van Hauen & Associates.Purchase Order No. 21445 was issued to The Underground Company in the amount of \$65,000.

**PREVIOUS COUNCIL ACTION(S):**

Date: June 23, 2008

Roll Call Number: 08-1148

Action: Emergency proceedings at various locations for emergency repairs and approval of emergency purchase orders with lowest responsible bidder. (Council Communication No. 08-389) Moved by Kiernan to adopt. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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