



Council Communication

Office of the City Manager

Date

July 28, 2008

Agenda Item No. 56
Roll Call No. 08-
Communication No. 08-447
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 that 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 Birdland Levee Opening @ 2nd Repair: Activity ID 14-2008-073.

FISCAL IMPACT:

Amount: \$15,599.99 (Total cost for one Purchase Order 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 site and has determined that emergency repair action 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:

- Birdland Levee Opening @ 2nd Repair: Activity ID 14-2008-073: This work shall include providing all materials, labor, and equipment necessary to reconstruct the Birdland levee where an opening was created to drain the flood waters. The opening is located approximately 200 feet west of 2nd Avenue. The Contractor shall furnish the clay fill material, backfill, and compact the closure. The Contractor shall also remove the existing levee material which was excavated and placed at the south edge of the levee at this location. Also included is seeding the disturbed area of this repair and the disturbed area at the Birdland levee breach location. The Birdland levee breach location is just west of New York Avenue along the Des Moines River. The seed shall be Type 4 (Urban Temporary Erosion Control Mixture).

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

- Birdland Levee Opening @ 2nd Repair: Activity ID 14-2008-073: : Four bids were received on July 8, 2008 for the work being:
 - \$15,599.99 from Elder Corporation.
 - \$18,435 from Reilly Construction Co., Inc.
 - \$30,000 from The Underground Company.
 - \$31,180 from Corell Contractor Inc.

Purchase Order No. 21521 was issued to Elder Corporation, Jared R. Elder II, President, 5088 E. University Avenue, Des Moines, IA 50327 in the amount of \$15,599.99.

PREVIOUS COUNCIL ACTION(S):

Date: July 14, 2008

Roll Call Number: 08-1273

Action: Emergency proceedings at various locations for emergency repairs and approval of emergency

purchase orders with lowest responsible bidder. (Council Communication No. 08-410) Moved by Vlassis to adopt. Motion Carried 7-0.

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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