



# Council Communication

Office of the City Manager

Date

August 11, 2008

Agenda Item No. 33  
Roll Call No. 08-  
Communication No. 08-475  
Submitted by: Jeb E. Brewer, P.E.  
City Engineer

## AGENDA HEADING:

Approval of emergency proceedings for the 503 SE 8th Street Emergency Storm Sewer Repair, receive and file the City Manager's emergency declaration, and approve the emergency contract with the lowest responsible bidder, The Underground Company, Ltd., Duane Burkhardt, President, \$36,600.

## SYNOPSIS:

Recommend that the City Council take the following actions regarding the 503 SE 8th Street Emergency Storm Sewer Repair:

- approve, ratify, and confirm the actions of the City Manager and City Engineer regarding the emergency repair work,
- 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,
- approve the contract and bond,
- authorize and direct the Mayor to execute the contract on behalf of the City of Des Moines.

Public Works crews started repair of a sink hole near 503 SE 8th Street that developed before the June 2008 heavy local rains and flooding. The sink hole had developed over the 18" clay storm sewer near 503 SE 8th Street. Public Works Crews were unable to complete the repair because they encountered a high water table, which prevented them from completing the excavation. Engineering staff was contacted on July 30, 2008, to complete the repair by an emergency contract. Potential bidders were contacted and emergency bids were received on July 30, 2008. On July 31, 2008, the City Manager declared this storm sewer repair an emergency to be constructed immediately, waived the bidding requirements, and directed the City Engineer to prepare an emergency contract with The Underground Company, Ltd., Duane Burkhardt, President, 12245 Dakota Street, Carlisle, IA 50047, in the amount of \$36,600 for City Council consideration at the next available meeting.

## FISCAL IMPACT:

Amount: \$36,600 Emergency Repair Contract

Funding Source: 2008-2009 CIP, Page Storm-4, City-wide Storm Water Utility Projects, STE057, Storm Water Utility Funds

## ADDITIONAL INFORMATION:

Before the City Council can enter into an emergency repair contract for the 503 SE 8th Street Emergency Storm Sewer Repair, it must 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; including receive, file, and approve the City Manager's July 31, 2008 emergency declaration which is attached to the Roll Call, whereby the City Manager declared the storm sewer repair an emergency to be constructed immediately, waived the bidding requirements, and directed the City Engineer to prepare an emergency contract with the lowest responsive, responsible bidder for the construction of the 503 SE 8th Street Emergency Storm Sewer Repair, 08-2009-001. The emergency work includes all labor, equipment, and materials necessary to complete the repair of the 18" clay storm sewer, backfill and compaction, replacement of sidewalk and street, and restoration site in accordance with the contract documents in front of 503 SE 8th Street, Des Moines, Iowa.

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., President of Veenstra & Kimm, Inc., 3000 Westown Parkway, West Des Moines, IA 50266- 1320, has inspected the site and has determined that emergency repair action should be taken. A copy of this letter is attached to the roll call.

Bids were received by the City Engineer at City Hall, 400 Robert D Ray Drive, Des Moines, Iowa until 4:00 p.m. on July 30, 2008. Bids were received from the following bidders:

- \$36,600 from The Underground Company, Ltd., Carlisle, IA
- \$59,000 from Van Hauen & Associates, Inc., Clive, IA
- \$86,375 from Corell Contractor, Inc. West Des Moines, IA

The City Engineer has determined that the lowest responsive, responsible bid for the construction of said emergency repair was submitted by The Underground Company, Ltd., Duane Burkhardt, President, 12245 Dakota Street, Carlisle, Iowa, 50047, in the amount of \$36,600, and should be accepted. The Finance Director has determined that funds are available for said work as stated above.

#### **PREVIOUS COUNCIL ACTION(S):**

Date: July 28, 2008

Roll Call Number: 08-1375

Action: Emergency proceedings at various locations for emergency repairs and approval of emergency purchase orders with lowest responsible bidder. (Council Communication No. 08-447) Moved by Coleman to adopt. Motion Carried 7-0.

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:**

Partial payments to the contractor and final acceptance of the work.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).