



# Council Communication

Office of the City Manager

Date

August 25, 2008

Agenda Item No. 47  
Roll Call No. 08-  
Communication No. 08-511  
Submitted by: Jeb E. Brewer, P.E.  
City Engineer

## AGENDA HEADING:

Approval of emergency proceedings for the 3510 SW 5th Street Emergency Storm & Sanitary Sewer Repair, receive and file the City Manager's emergency declaration, and approve the emergency contract with the lowest responsible bidder, Van Hauen & Associates, Inc., Mark Van Hauen, CEO/Vice President, \$27,500

## SYNOPSIS:

Recommend that the City Council take the following actions regarding the 3510 SW 5th Street Emergency Storm & Sanitary 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 discovered sanitary sewage in a storm sewer and traced the problem to near 3510 SW 5<sup>th</sup> Street. A television inspection of the sanitary sewer revealed that the sanitary sewer had settled above the storm sewer, and sanitary sewage was leaking into the storm sewer at this location. The storm sewer was temporarily sandbagged to prevent the sanitary sewage from discharging through the storm sewer system; however, this arrangement would be a problem during a rainfall event and therefore requires immediate repair as an emergency contract. Engineering staff was contacted on August 5, 2008 by Public Works Staff, and was requested to begin the repair by an emergency contract. Potential bidders were contacted and emergency bids were received on August 6, 2008. On August 6, 2008, the City Manager declared this sanitary and storm sewer repair an emergency to be constructed immediately, waived the bidding requirements, and directed the City Engineer to prepare an emergency contract with Van Hauen & Associates, Inc., Mark Van Hauen, CEO/Vice President, 13185 Pineview Drive, Clive, IA 50325, in the amount of \$27,500 for City Council consideration at the next available meeting. During the repair work, Engineering Department staff determined that this sewer failure was not caused by the June 2008 flooding and heavy rainfall, so the cost will be charged to the Storm Water Utility. Van Hauen & Associates, Inc. completed repairs to the sanitary sewer on August 14<sup>th</sup> and the storm sewer on August 15<sup>th</sup>.

## FISCAL IMPACT:

Amount: \$27,500 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 3510 SW 5th Street Emergency Storm & Sanitary 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 August 6, 2008 emergency declaration, whereby the City Manager declared the sanitary and 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 3510 SW 5th Street Emergency Storm & Sanitary Sewer Repair, 08-2009-002. The emergency work includes all labor, equipment, and materials necessary to complete the repair of the 15" storm sewer, 10" sanitary sewer, backfill and compaction, replacement of street, and restoration of the site in accordance with the contract documents in front of 3510 SW 5th 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, on August 6, 2008. Bids were received from the following bidders:

- \$27,500 from Van Hauen & Associates, Inc., Clive, IA
- \$29,999 from The Underground Company, Ltd., Carlisle, IA
- \$30,239 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 Van Hauen & Associates, Inc., Mark Van Hauen, CEO/Vice President, 13185 Pineview Drive, Clive, IA 50325, in the amount of \$27,500, and should be accepted. The Finance Director has determined that funds are available for the work as stated above.

**PREVIOUS COUNCIL ACTION(S): NONE**

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

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

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

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