



Council Communication

Office of the City Manager

Date

October 13, 2008

Agenda Item No. 8
Roll Call No. 08-
Communication No. 08-611
Submitted by: Jeb E. Brewer, P.E., City
Engineer, and William G. Stowe, Assistant City
Manager/Public Works/Engineering

AGENDA HEADING:

Approval of emergency proceedings for the 3625 SW 34th Street Emergency Sanitary 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, \$46,200.

SYNOPSIS:

Recommend that the City Council take the following actions regarding the 3625 SW 34th Street emergency 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 a partially collapsed sanitary sewer in the back yard of 3625 SW 34th Street. A television inspection of the sanitary sewer revealed that the sanitary sewer partially collapsed and had an extensive accumulation of tree roots that caused a partial blockage, which would cause sewer backups into the houses on the sewer and/or a sanitary sewer overflow. If not repaired promptly, the sanitary sewer could collapse and become totally blocked which would require the Public Works Department to pump the sewage 24 hours per day to prevent backups. Engineering Staff was contacted on September 25, 2008, by Public Works Staff, and was requested to commence the repair by an emergency contract. Engineering Staff investigated the site and there are large trees over the sanitary sewer at the location of the partial collapse. In order to preserve these mature trees and reduce tree root infiltration into the sanitary sewer, the Engineering Department designed a relocation of approximately 100 feet of the 12" sanitary sewer around the trees. Potential bidders were contacted, given the new design, and emergency bids were received on September 26, 2008. On September 26, 2008, the City Manager declared this sanitary 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 \$46,200.00 for City Council consideration at the next available meeting. Engineering Department staff determined that this sewer failure was not caused by the June 2008 flooding and heavy rainfall, therefore the cost will be charged to the City-Wide Sanitary Sewer fund.

FISCAL IMPACT:

Amount: \$46,200 Emergency Repair Contract

Funding Source: 2008-2009 CIP, Page Sanitary-5, City-wide Sanitary Sewers, SAE054, Sanitary Sewer Funds

ADDITIONAL INFORMATION:

Before the City Council can enter into an emergency repair contract for the 3625 SW 34th Street Emergency 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 September 26, 2008 emergency declaration, which is attached to the Roll Call, whereby the City Manager declared the sanitary 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 3625 SW 34th Street Emergency Sanitary Sewer Repair, 07-2009-002, work described as all labor, equipment, and materials necessary to complete the emergency sanitary sewer repair, which includes repair and relocation of the 12" sanitary sewer, backfill and compaction, and restoration of the site in accordance with the contract documents behind 3625 SW 34th 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.

Mark A. Land, P.E., Snyder & Associates, Inc., 2727 SW Snyder Boulevard, Ankeny, IA 50023, 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 September 26, 2008. Bids were received from the following bidders:

- \$46,200 from The Underground Company, Ltd., Carlisle, IA
- \$47,000 from Van Hauen & Associates, Inc., Clive, IA
- \$87,943 from Corell Contractor, Inc. West Des Moines, IA

The City Engineer determined that the lowest responsive, responsible bid for the construction of the emergency repair was submitted by The Underground Company, Ltd., Duane Burkhardt, President, 12245 Dakota Street, Carlisle, IA 50047, in the amount of \$46,200.00, 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.

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.