



Council Communication

Office of the City Manager

Date

October 12, 2009

Agenda Item No. 43
Roll Call No. 09-
Communication No. 09-728
Submitted by: **Jeb E. Brewer, P.E.**
City Engineer

AGENDA HEADING:

Reject all bids on the 1706 Pennsylvania Avenue Soil Stabilization and to close the hearing on the plans, specifications, form of contract and Engineer's estimate.

SYNOPSIS:

Recommend the City Council reject all bids received on September 29, 2009 because only one bid was received, being from Proshot Concrete, Inc., Timothy McDougle, President, 4158 Musgrove Drive, Florence, AL 35630, in the amount of \$179,664, which was \$52,319 (41%) over the engineer's estimate of \$127,345, and exceeded the project budget. This project provides for construction of soil nailing improvements adjacent to 1706 Pennsylvania Avenue in accordance with an agreement between the City of Des Moines and the owners of the property at 1706 Pennsylvania Avenue, Steven C. and Alyce A. Wallace, approved by the City Council on February 23, 2009, regarding construction of improvements to mitigate severe soil erosion and landslides that occurred near 1706 Pennsylvania Avenue during and subsequent to the heavy rains and flooding in June 2008.

This property is adjacent to the Des Moines River, and was determined by the United States Department of Agriculture (USDA) to qualify for financial assistance from the USDA Natural Resources Conservation Service (NRCS) Emergency Watershed Protection Program (EWP), which provides for soil erosion prevention and repair projects. The City's role is to act as the governmental sponsor, as required by the EWP, and coordinate the 25% local match for design and construction costs. City Staff has contacted NCRS staff who indicated that amending the agreement to increase the funding level is unlikely. Staff also contacted Mr. Steve Wallace, who was already funding \$31,836.25 of the estimated cost. Mr. Wallace stated that he cannot fund the additional \$52,319 bid price over the estimated cost, and requested the project be rebid.

FISCAL IMPACT:

Amount: \$179,664 amount of only bid received (\$127,345 City Engineer's Estimate)

Funding Source: 2009-2010 CIP, Page Storm-4, City-wide Storm Water Utility Projects, STE057, the funding for the \$127,345 estimate was as follows:

- \$95,508.75 in Federal funds from the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), Emergency Watershed Protection (EWP) Program funds for 75% of total project costs estimated at \$170,000 not to exceed \$127,500 per Agreement No. 69-6114-9-46 approved by Council on June 23, 2009 under Roll Call 09-1067
- \$31,836.25 in private contributions from the adjacent property owners, Steven C. and Alyce A. Wallace per agreement approved by the City Council on February 23, 2009. Under the agreement, the property owners are responsible for the remainder of the project cost not paid by

the USDA NCRS EWP grant.

ADDITIONAL INFORMATION:

The USDA-NRCS operates the EWP program with the stated purpose of undertaking “emergency measures for soil erosion prevention to safeguard lives and property from floods, drought, and the products of erosion on any watershed whenever fire, flood, or any other natural occurrence is causing or has caused a sudden impairment of the watershed.”

During and subsequent to the heavy rains and flooding in June 2008, severe soil erosion and landslides occurred near 1706 Pennsylvania Avenue. On October 14, 2008, the City submitted an application to the USDA-NRCS EWP for assistance at 1706 Pennsylvania Avenue. The City’s role in the EWP program is to act as the governmental sponsor for prevention and repair projects.

The EWP program will fund 75% of the project cost with a 25% local share paid per agreement with the property owners.

City staff has met with the NRCS representatives at the property site to assess the damage and estimate the repair costs. A Damage Survey Report (DSR) prepared by the NRCS includes the construction of slope stabilization on the property with an estimate for construction only at \$127,500. The project cost including design, construction administration, and easement cost is estimated at \$170,000. Actual project costs of construction will be determined after the project is completed, and payment arrangements for reimbursement of the City’s cost-share associated with the project have been negotiated by City staff and the property owners. The property owners have provided a temporary easement for construction and construction related activities, and an easement for operation and maintenance of the slope stabilization at no cost to the City. In addition, a temporary construction easement has been acquired from the adjoining property located at 1624 Pennsylvania Avenue.

On September 14, 2009, under Roll Call No. 09-1618, the City Council received and filed plans, specifications, form of contract documents, and City Engineer's estimate for the construction of the 1706 Pennsylvania Avenue Soil Stabilization. Before the City Council can enter into a contract, a public hearing needs to be held and approve the proposed plans, specifications, and form of contract documents and engineer's estimate for the construction of the 1706 Pennsylvania Avenue Soil Stabilization, 04-2009-018. The improvement includes construction of soil nailing with the necessary appurtenances and restoration; in accordance with the contract documents including Plan File Nos. 476-144/147 at 1706 Pennsylvania Avenue, Des Moines, Iowa.

Sealed bids for said improvement were submitted by the following bidders:

Proshot Concrete, Inc., Florence, AL

The bids were received and opened at a public meeting presided over by the City Engineer in the City Council Chambers, 2nd Floor, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa at 11:00 a.m. on September 29, 2009.

The City Engineer recommends that the project design be reviewed to consider other stabilization options, and the project be rebid at a later date.

PREVIOUS COUNCIL ACTION(S):

Date: September 14, 2009

Roll Call Number: 09-1618

Action: Ordering construction of 1706 Pennsylvania Avenue Soil Stabilization: Receiving of bids, (9-29-09), and Setting date of hearing, (10-12-09). (Construction Estimate - \$127,345). (Council Communication No. 09-656) Moved by Vlassis to adopt. Motion Carried 7-0.

Date: June 23, 2009

Roll Call Number: 09-1067

Action: Approving and authorizing Amendment No. 1 to the United States Department of Agriculture Natural Resources Conservation Service Project Agreement for the Emergency Watershed Protection Program for 1706 Pennsylvania Avenue Slope Stabilization. (Council Communication No. 09-428) Moved by Vlassis to adopt. Motion Carried 7-0.

Date: May 4, 2009

Roll Call Number: 09-748

Action: Execution of United States Department of Agriculture Natural Resources Conservation Service Project Agreement for the Emergency Watershed Protection Program and the Operation and Maintenance Agreement for 1706 Pennsylvania Avenue Slope Stabilization. (Council Communication No. 09-294) Moved by Hensley to adopt. Motion Carried 7-0.

Date: February 23, 2009

Roll Call Number: 09-281

Action: Approving and authorizing the execution of an agreement with Steven C. Wallace and Alyce A. Wallace regarding 1706 Pennsylvania Avenue and to acquire necessary property interests. (Council Communication No. 09-108) Moved by Hensley to adopt. Motion carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

The City Engineer recommends that the project design be reviewed to consider other stabilization options, and the project be rebid at a later date.

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