

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: July 12, 2010
	Agenda Item No. 35 Roll Call No. <u>10-1154</u> Communication No. <u>10-432</u> Submitted by: Jeb E. Brewer, P.E. City Engineer

AGENDA HEADING:

Hearing on Agrimergent Underground Environmental Cleanup: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as J. Pettiecord Inc., Jeff L. Pettiecord, President, \$84,250.

SYNOPSIS:

This is a public hearing to allow for public input on the Agrimergent Underground Environmental Cleanup and take the necessary actions as required by Iowa Code to authorize a contract for construction of the proposed project. This project includes environmental cleanup of approximately 1.5 acres near SE 38th Street and Granger Avenue in the Agrimergent Technology Park. During the demolition and cleanup work in 2007, buried debris and drums were discovered. Staff has hired consultants to evaluate the site, identify the limits of the buried debris and the content of the drums, and determine appropriate disposal methods and sites. The Iowa Department of Natural Resources has reviewed and concurred in the methodology, analysis, and disposal of the debris, drums, and contents. Upon completion of the analysis, most of the buried materials have been identified as solid waste and special waste that can be disposed of at the Metro Park East Landfill; however, there is a limited amount of material that cannot be disposed of in Iowa, and will be transported by a licensed waste disposal company to Nebraska for disposal. The approval of contract roll call also includes authorization for direct payment to the Metro Park East Landfill for disposal of construction and demolition waste at a special rate of \$35.00 per ton, and disposal of special waste that requires special waste permitting at the rate of \$50.00 per ton. The roll call also includes authorization for direct payment to Waste Management of Bennington, Nebraska a special rate of \$23.12 per ton for disposal and \$92.00 per hour for hauling the hazardous material that cannot be disposed of in Iowa.

FISCAL IMPACT:

Amount: \$84,250 Construction Contract (\$164,300 City Engineer's Estimate)

Amount:

- \$84,250 Construction Contract (\$164,300 City Engineer's Estimate for excavation, transportation, and backfill work included in this contract).
- \$60,000 Estimate of negotiated disposal fees to be paid by the City directly to the Metro Park East Landfill for disposal of construction and demolition waste and special waste.

- \$5,000 Estimate of negotiated disposal fees to be paid by the City directly to the Waste Management of Bennington, Nebraska for transportation and disposal of material that cannot be disposed of in Iowa as special waste because of its chemical composition.

Funding Source: 2010-2011 CIP, Page Miscellaneous-7, Economic Development Projects - SE Ag Park, URR035, TIF-Backed G. O. Bonds

ADDITIONAL INFORMATION:

On March 26, 2007, under Roll Call No. 07-598, the City Council awarded a contract for Agrimergent Technology Park – Clearing & Grubbing Contract No. 2, which included clearing and grubbing of approximately 27 acres of City-owned property generally located north of Vandalia Road between SE 36th Street and SE 38th Street. The first contract was completed in 2005 and included clearing of approximately 45 acres.

During the demolition and cleanup work during the summer of 2007, the contractor discovered buried debris and drums near SE 38th Street and Granger Avenue. This work was beyond the scope of the original contract and required additional analysis; so the site was secured and deleted from the contract. Staffs has hired consultants to perform additional Phase I and II analysis; and to evaluate the site, identify the limits of the buried debris and the content of the drums, and determine appropriate disposal methods and sites. The Iowa Department of Natural Resources (IDNR) has reviewed and concurred in the methodology, analysis, and disposal of the debris, drums, and contents. IDNR also investigated the site and researched ownership in an effort to identify the responsible party; however, were unable to prove who buried the drums and debris.

Upon completion of the analysis, the consultants have identified and classified the buried materials into three categories as follows:

1. Drums containing miscellaneous non-hazardous material or construction debris. Also included are deteriorated drums with no visible contents (scrap metal), miscellaneous non-hazardous construction debris, tires, and appliances. These materials can be disposed of as construction and demolition waste at the Metro Park East Landfill. Staff has negotiated a special rate of \$35.00 per ton with the landfill for disposal of this material and the City will pay the landfill directly for disposal of the materials hauled by the contractor to the landfill. The estimated cost for this work is \$55,000.
2. Drums containing a dark brown solid tar-like substance (similar to asphalt) or a black oily substance. These materials can be disposed of as special waste at the Metro Park East Landfill, and require special waste permitting and disposal costs. Staff has negotiated a special rate of \$50.00 per ton with the landfill for disposal of this material and the City will pay the landfill directly for disposal of the materials hauled by the contractor to the landfill. The estimated cost for this work is \$5,000.
3. Drums containing a gray pellet substance and also drums containing yellow liquid cannot be disposed of in Iowa as special waste because of their chemical composition. These materials will be transported by a licensed waste disposal company to Nebraska for disposal. Staff has negotiated a special rate of \$23.12 per ton for disposal and \$92.00 per hour for transportation of this hazardous material with Waste Management of Bennington, Nebraska, which was selected as

a sole source for this work because it is the closest licensed disposal facility to the project site that is capable of handling and disposal of the materials encountered at a comparatively low cost. The City will pay Waste Management of Bennington, Nebraska directly for this work. The estimate cost for this waste transportation and disposal work is \$5,000.

The total disposal cost to be paid directly by the City is estimated at \$65,000.

On June 14, 2010, under Roll Call No. 10-878, the City Council received and filed plans, specifications, form of contract documents, and City Engineer's estimate for the construction of the Agrimergent Underground Environmental Cleanup. Before the City Council can enter into a contract, it must hold a public hearing and approve the proposed plans, specifications, and form of contract documents and engineer's estimate for the construction of the Agrimergent Underground Environmental Cleanup, 25-2010-109. The improvement includes overexcavation and hauling of contaminated drums, debris, and soil, along with backfill of the excavation with clean soil and compaction, and all necessary appurtenances and restoration, in accordance with the contract documents including Plan File Nos. 520-159/162 at 1418 SE 38th Street, Des Moines, Iowa.

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

J. Pettiecord Inc., Des Moines, IA
MPS Engineers, P.C., West Des Moines, IA
Elder Corporation, Des Moines, IA
Morris Excavating Co., Inc., Council Bluffs, IA

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 June 29, 2010.

The City Engineer has determined that the lowest responsive, responsible bid for the construction of said improvement was submitted by J. Pettiecord Inc., Jeff L. Pettiecord, President, 5043 NE 22nd Street, Des Moines, IA, 50313 in the amount of \$84,250, and said bid should be accepted. The Finance Director has determined that funds are available for said improvement as stated above.

The July 12, 2010 roll call also includes authorization for direct payment to the Metro Park East Landfill for disposal of construction and demolition waste at a special rate of \$35.00 per ton, and disposal of special waste that requires special waste permitting at the rate of \$50.00 per ton. The roll call also includes authorization for direct payment to Waste Management of Bennington, Nebraska a special rate of \$23.12 per ton for disposal and \$92.00 per hour for hauling the hazardous material that cannot be disposed of in Iowa.

PREVIOUS COUNCIL ACTION(S):

Date: June 14, 2010

Roll Call Number: [10-878](#)

Action: Ordering construction of the following: [Agrimergent](#) Underground Environmental CleanUp: Receiving of bids, (6-29-10), and Setting date of hearing, (7-12-10). (Construction Estimate - \$164,300). ([Council Communication No. 10-350](#)) Moved by Moore to adopt. Motion Carried 7-0.

Date: December 17, 2007

Roll Call Number: [07-2362](#)

Action: Accepting completed construction and approving final payment for [J. Pettiecord](#) Inc. - Agrimergent Technology Park – Clearing & Grubbing Contract No. 2. Moved by Hensley to adopt. Motion Carried 6-1.

Date: March 26, 2007

Roll Call Number: [07-597](#)

Action: [On](#) Agrimergent Technology Park-Clearing & Grubbing Contract No. 2: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as J. Pettiecord Inc., (Jeff L. Pettiecord, President), \$472,200. ([Council Communication No. 07-169](#)) Moved by Meyer to adopt. Motion Carried 7-0.

Date: March 26, 2007

Roll Call Number: [07-598](#)

Action: [Approving](#) contract and bond, and permission to sublet. Moved by Meyer 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 work.

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