

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: July 12, 2010
	Agenda Item No. 41 Roll Call No. <u>10-1166</u> Communication No. <u>10-435</u> Submitted by: Jeb E. Brewer, P.E. City Engineer

AGENDA HEADING:

Public Hearing on 33rd Street Sewer Separation regarding:

- 1) Approving plans, specifications, form of contract documents, engineer’s estimate; and
- 2) The status of funded activities under IDED Contract No. 08-DRI-034:

Also resolution to receive and file bids: designating lowest responsible bidder as Reilly Construction Co., Inc., Chris R. Reilly, President, \$1,485,199.10.

SYNOPSIS:

This is a public hearing to allow for public input on the 33rd Street Sewer Separation and take the necessary actions as required by Iowa Code to authorize a contract for construction of the proposed project. This is also a public hearing required as part of the funding from the Iowa Department of Economic Development (IDED) on the status of funded activities for the 33rd Street Sewer Separation, 07-2009-008. This improvement includes the separation of the City’s combined sanitary and storm sewer system at several locations west of downtown and in the proximity of I-235. In the summer of 2008, there was extensive damage across Iowa from flooding and other severe weather. The Iowa Department of Economic Development has awarded the City of Des Moines a grant under the Infrastructure Assistance program, as part of the Federal Disaster Relief program under the Jump Start Program for Housing Assistance, Small Business Assistance, and Infrastructure Assistance. This project provides for the separation of the combined sewer system, and includes the construction of 15-inch through 42-inch storm sewer, and 8-inch and 10-inch sanitary sewer in an area generally bounded on the North by University Avenue, on the East by ML King Parkway, on the South by Ingersoll Avenue, and on the West by 42nd Street. This work is included in the Long Term Control Plan that has been developed to eliminate combined sewer overflows.

FISCAL IMPACT:

Amount: \$1,485,199.10 Construction Contract (\$1,690,060 City Engineer's Estimate)

Funding Source: 2010-2011 CIP, Page Sanitary-9, CSS - 33rd Street Sewer Separation, SAE-130, Being: \$1,200,000 in HUD Disaster funds from the Iowa Department of Economic Development for 100% of construction costs associated with the 33rd Street Sewer Separation (\$1,200,000 maximum) in Federal Jumpstart Infrastructure Assistance funds, with the remaining \$285,199.10 in Sanitary Sewer Funds.

ADDITIONAL INFORMATION:

In the summer of 2008, there was extensive damage across Iowa from flooding and other severe weather. As part of the Federal Disaster Relief program, the State of Iowa made funds available under the Jump Start Program for Housing Assistance, Small Business Assistance and Infrastructure Assistance. The first selection considered any project submitted by an authorized agency to the IDED by February 18, 2009. The Jump Start program had \$15.75 million in CBDG funds for Infrastructure Assistance to allocate State-wide.

On May 18, 2009, under Roll Call Number 09-833, the City Council authorized submittal of four project applications to the IDED under the Infrastructure Assistance Program. The projects were identified as those being competitive in the grant selection criteria. Important criteria considered were the direct relationship of the project to the 2008 disaster, threat to health, safety, or welfare, benefit to low and moderate income persons and burden associated to the same group if local revenue was used to accomplish the project and the ability to construct the projects quickly. One of the four project applications submitted was \$1,600,000 for the proposed 33rd Street Sewer Separation Project. The project would be the construction of 15-inch through 42-inch storm sewer, and 8-inch and 10-inch sanitary sewer in an area generally bounded on the North by University Avenue, on the East by 31st Street, on the South by Woodland Avenue, and on the West by 42nd Street, which has a total service area of approximately 220 acres in Des Moines, Iowa. The sewers in the area of the proposed improvements were installed nearly 100 years ago and were built to a standard that is no longer acceptable. The heavy rainfalls that occurred during 2008 caused the sewer system in this area to become overloaded and this caused sewers to surcharge, resulting in numerous basement backups in the low lying portions of the sewer service area.

All four of the projects submitted were selected for funding by IDED, and on November 19, 2009, under Roll Call No. 09-2071, the grants were approved by the City Council including Contract Number 08-DRI-034 in the amount of \$1,200,000 for the 33rd Street Sewer Separation project.

Pursuant to the requirements of Section 508 of the Housing and Community Development Act of 1987, as amended, the Des Moines City Council must hold a public hearing to discuss the status of funding for the 33rd Street Sewer Separation. This improvement includes the separation of the City's combined sanitary and storm sewer system at several locations west of downtown and in the proximity of I-235, Iowa Department of Economic Development Contract Number 08-DRI-034. The grant improvement project provides for the separation of the combined sewer system, and includes the construction of 15-inch through 42-inch storm sewer, and 8-inch and 10-inch sanitary sewer in an area generally bounded on the North by University Avenue, on the East by 31st Street, on the South by Woodland Avenue, and on the West by 42nd Street, which has a total service area of approximately 220 acres in Des Moines, Iowa. The project is being funded in part through a Community Development Block Grant provided by the Iowa Department of Economic Development (IDED) and Des Moines Sanitary Sewer Funds. The notice of the public hearing published June 16, 2010 in the Des Moines Register stated that anyone with questions concerning the project may contact Calvin Miller at (515) 283-4748. As of July 6, 2010, no question had been received.

When the grant application was prepared, Staff estimated that the 33rd Street Sewer Separation project would cost \$1,600,000 for construction only utilizing IDED funds. Sanitary Sewer funds would be utilized for design and administrative costs. After the detailed design was completed, the construction estimate was revised to \$1,690,060. Actual bids for the 33rd Street Sewer Separation ranged from the low of \$1,485,199.10 to a high of \$2,225,147. The actual low bid submitted by Reilly Construction Co., Inc., Chris R. Reilly, President, 110 Main Street, PO Box 99, Ossian, IA, 52161 in the amount of

\$1,485,199.10 exceeds the \$1,200,000 IDED grant for the 33rd Street Sewer Separation project. Staff anticipates utilizing the full \$1,200,000 in grant funding with remaining 285,199.10 to be paid from Sanitary Sewer Funds currently programmed in the 2010-2011 CIP, Page Sanitary-9, CSS - 33rd Street Sewer Separation, SAE-130.

On June 14, 2010, under Roll Call No. 10-882, the City Council received and filed plans, specifications, form of contract documents, and City Engineer's estimate for the construction of the 33rd Street Sewer Separation. 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 33rd Street Sewer Separation, 07-2009-008. This improvement includes the separation of the City's combined sanitary and storm sewer system at several locations west of downtown and in the proximity of I-235. The construction includes the installation of manholes, intakes, storm sewer piping and sanitary sewer piping and the replacement of street pavement, sidewalks, and other related items; all in accordance with the contract documents including Plan File Nos. 517 – 145/172. The project locations include 33rd Street from Woodland Avenue to Center Street, 37th Street from Crocker Street to Cottage Grove Avenue, Cottage Grove Avenue from 35th Street to 38th Street, Kingman Boulevard from 37th Street to 40th Place, M. L. King Jr. Parkway from Leyner Street to Crocker Street, the 2500 block of Center Street, and 35th Street north of Ingersoll Avenue, Des Moines, Iowa. This project will require the removal of five trees that are twelve inches in diameter or larger. Of the five trees, one is not approved for planting in the ROW and does not require mitigation. The removal of the remaining four trees will be mitigated in accordance with the City Council adopted policy by transferring \$6,000 into the City Tree Replacement Fund. Tree mitigation is not eligible for federal funds under the IDED CDBG Program, and will be funded with sanitary sewer funds.

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

- Reilly Construction Co., Inc., Ossian, IA
- The Underground Company, Ltd., Carlisle, IA
- McAninch Corporation, West Des Moines, IA
- Corell Contractor, Inc., West Des Moines, IA
- Van Hauen & Associates, Inc., Grimes, 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 Reilly Construction Co., Inc., Chris R. Reilly, President, 110 Main Street, PO Box 99, Ossian, IA, 52161 in the amount of \$1,485,199.10, and said bid should be accepted. The Finance Director has determined that funds are available for said improvement as stated above.

PREVIOUS COUNCIL ACTION(S):

Date: June 14, 2010

Roll Call Number: [10-882](#)

Action: Ordering construction of the following: [33rd Street Sewer Separation](#): Receiving of bids, (6-29-10), and Setting date of hearing, (7-12-10). (Construction Estimate - \$1,690,060). ([Council Communication No. 10-343](#)) Moved by Moore to adopt. Motion Carried 7-0.

Date: November 16, 2009

Roll Call Number: [09-2071](#)

Action: [Approving](#) and authorizing the execution of CDBG Disaster Recovery Infrastructure Notice of Award and Grant Contracts with the Iowa Department of Economic Development for 4 projects: ([Council Communication No. 09-801](#)) Moved by Hensley to adopt. Motion Carried 4-3.

- A. Court Avenue – Water Street Sewer Separation Project, \$4,000,000.
- B. Lower Union Sewer Separation Project, \$5,000,000.
- C. 33rd Street Sewer Separation, \$1,200,000.
- D. Jackson Basin Pump Station Project, \$5,000,000.

Date: May 18, 2009

Roll Call Number: [09-833](#)

Action: [Authorization](#) to submit CDBG Disaster Recovery Infrastructure Applications to the Iowa Department of Economic Development. ([Council Communication No. 09-346](#)) Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.

Date: December 3, 2007

Roll Call Number: [07-2286](#)

Action: [Design](#) and construction phase services for the Lower Union Park Sewer Separation, not to exceed \$328,405. ([Council Communication No. 07-716](#)) Moved by Hensley 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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