

Date June 4, 2007

EMERGENCY PROCEEDINGS FOR THE VANDALIA TRUNK SANITARY SEWER EMERGENCY REPAIR, RECEIVE AND FILE THE CITY MANAGER'S EMERGENCY DECLARATION AND APPROVE EMERGENCY CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER, VAN HAUEN & ASSOCIATES, INC., MARK VAN HAUEN, PRESIDENT, \$40,925.00

WHEREAS, on May 18, 2007, the Public Works Department became aware of a failure of the 15-inch Vandalia Trunk located along the railroad right-of-way; and

WHEREAS, the scope of the proposed emergency sewer repair required the services of a private contractor because of the urgent nature of the required repairs as the sanitary sewer has failed resulting in a backup of the sanitary flow and ground subsidence that must be repaired immediately to prevent the undermining of the adjacent railroad track; and

WHEREAS, four local private contractors were contacted for their services, and bids were received from four contractors as shown on the attached bid tabulation being:

Van Hauen & Associates, Inc.	\$40,925.00
McAninch Corp.	\$71,800.00
The Underground Co.	\$105,000.00
Corell Contractor, Inc.	No bid (too busy)

The specifications given the bidders required the work be done according to the "Urban Standard Specifications for Public Improvements" ; and

WHEREAS, the City Engineer recommends that the bid submitted by Van Hauen & Associates, Inc. in the amount of \$40,925.00 be accepted as the lowest responsive, responsible bid for this sewer repair; and

WHEREAS, 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.

.....  
Date June 4, 2007

**WHEREAS**, H.R. Veenstra, Jr., P.E., of Veenstra & Kimm has inspected the site and has recommended in the attached letter that emergency repair action be taken; and

**WHEREAS**, on May 23, 2007, the City Manager declared this 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. in the amount of \$40,925.00 for City Council approval at the next available meeting (see attached memo).

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:** That the aforesaid action of the City Manager and the City Engineer, is hereby expressly approved, ratified, and confirmed.

**BE IT FURTHER RESOLVED:** That the Council makes a finding of necessity to institute emergency repairs under Subsection 384.103(2) of the Code of Iowa for the Vandalia Trunk Sanitary Sewer Emergency Repair.

**BE IT FURTHER RESOLVED:** That the Mayor is hereby authorized and directed to execute a contract with Van Hauen & Associates, Inc. for emergency sanitary sewer repair identified as Vandalia Trunk Sanitary Sewer Emergency Repair, Activity ID 07-2007-007, subject to receipt of the contract and certificate of insurance and approval of same by the City Legal Department.

Activity ID 07-2007-007

★ Roll Call Number

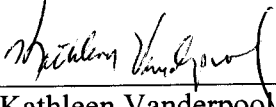
Agenda Item Number


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Date June 4, 2007

Moved by \_\_\_\_\_ to adopt.

FUNDS AVAILABLE

FORM APPROVED:   
 Kathleen Vanderpool  
 Deputy City Attorney

  
 Allen McKinley  
 Des Moines Finance Director

Funding Source: 2007-08 CIP, Page Sanitary-5, City-wide Sanitary Sewers, SAE054, Sanitary Sewer Funds

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	

**CERTIFICATE**

I, JODY WITMER, Chief Deputy City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 Chief Deputy City Clerk

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CITY OF DES MOINES, IOWA  
ENGINEERING DEPARTMENT

TO: Rick Clark  
City Manager

FROM: Jeb E. Brewer, P.E.  
City Engineer

DATE: May 22, 2007

RE: Vandalia Trunk Sanitary Sewer Emergency Repair  
Activity ID 07-2007-007

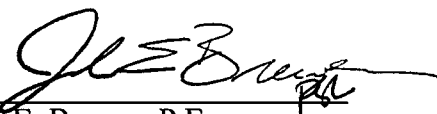
The Engineering Department has requested fax quotes from four sewer contractors for furnishing all material, labor, equipment, and surface restoration necessary to complete the emergency repair. The sanitary sewer has failed resulting in a backup of the sanitary flow and ground subsidence.

The proposed emergency sewer repair requires the services of a private contractor, since the Public Works Department could not provide the necessary repair. The repair needs to be completed immediately to prevent the undermining of the adjacent railroad track. Faxed quotes were received on May 22, 2007 (attached) being:

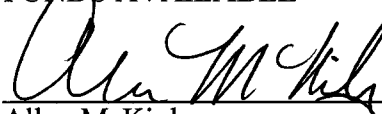
Van Hauen & Assoc.	\$40,925.00
McAninch Corp.	\$71,800.00
The Underground Co.	\$105,000.00
Corell Contractor, Inc.	No bid (too busy)

The specifications given the bidders required the work be done according to the "Urban Standard Specifications for Public Improvements". The Engineering Department recommends acceptance of the bid of \$40,925.00.

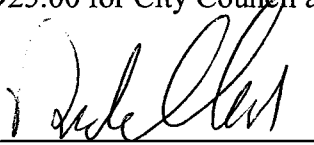
The Engineering Department requests that the City Manager declare this an emergency and waive the bidding requirements as provided in Section 384.103(2) of the Iowa Code.

  
\_\_\_\_\_  
Jeb E. Brewer, P.E.  
City Engineer

FUNDS AVAILABLE

  
\_\_\_\_\_  
Allen McKinley  
Des Moines Finance Director

I concur with the City Engineer's recommendation and hereby declare this sewer repair an emergency to be constructed immediately, waive the bidding requirements, and direct the City Engineer to prepare an emergency contract with Van Hauen & Assoc., Inc. in the amount of \$40,925.00 for City Council approval at the next available meeting.

  
\_\_\_\_\_  
Rick Clark  
City Manager

