



Date August 11, 2008

APPROVAL OF EMERGENCY PROCEEDINGS FOR THE 503 SE 8TH STREET EMERGENCY STORM 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, \$36,600

WHEREAS, Public Works crews started repair of a sink hole near 503 SE 8th Street that developed before the June 2008 heavy local rains and flooding. The sink hole had developed over the 18" clay storm sewer near 503 SE 8th Street. Public Works Crews were unable to complete the repair because they encountered the high water table which prevented them from completing the excavation. Engineering Staff was contacted on July 30, 2008, to complete the repair by an emergency contract.

WHEREAS, the scope of these emergency repairs required the services of a private contractor because of the urgent nature of the required repairs; and the delay of advertising and a public letting might cause serious loss or injury to the city; and

WHEREAS, Potential bidders were contacted by Engineering Department Staff and emergency bids were received on July 30, 2008 from the following bidders:

- \$36,600 from The Underground Company, Ltd., Carlisle, IA
- \$59,000 from Van Hauen & Associates, Inc., Clive, IA
- \$86,375 from Corell Contractor, Inc. West Des Moines, IA

for the 503 SE 8th Street Emergency Storm Sewer Repair, 08-2009-001, work described as all labor, equipment, and materials necessary to complete the repair of the 18" clay storm sewer, backfill and compaction, replacement of sidewalk and street, and restoration site in accordance with the contract documents in front of 503 SE 8th Street, Des Moines, Iowa.

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.

WHEREAS, H.R. Veenstra, Jr., P.E., President of Veenstra & Kimm, Inc., 3000 Westown Parkway, West Des Moines, IA 50266-1320, has inspected the site and has recommended in the attached letter that emergency repair action be taken.



Roll Call Number

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Date August 11, 2008

WHEREAS, in the attached July 31, 2008 letter, the City Manager declared this storm 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 \$36,600 for City Council consideration at the next available meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the emergency actions of the City Manager and the City Engineer regarding the 503 SE 8th Street Emergency Storm Sewer Repair, 08-2009-001, work described as all labor, equipment, and materials necessary to complete the repair of the 18" clay storm sewer, backfill and compaction, replacement of sidewalk and street, and restoration site in accordance with the contract documents in front of 503 SE 8th Street, Des Moines, Iowa, be and are hereby approved, ratified, and confirmed; and the City Council hereby makes a finding that emergency repairs were necessary because a public letting might have caused serious loss or injury to the City; and the City Council hereby makes a finding that said emergency repairs were necessary in accordance with Subsection 384.103(2) of the Code of Iowa.

BE IT FURTHER RESOLVED: That the contract and bond, in the amount of \$36,600.00, executed by The Underground Company, Ltd., Duane Burkhardt, President, 12245 Dakota Street, Carlisle, IA, 50047 dated August 11, 2008, for the construction of said repairs be and the same are hereby approved.

BE IT FURTHER RESOLVED: That the Mayor be and is hereby authorized and directed to execute said contract on behalf of the City of Des Moines, and the City Clerk, be and is hereby authorized and directed to attest to same. No contract shall be deemed to exist between the City of Des Moines and said Bidder until said contract has been executed by the Bidder, and shall have been approved by this Council and executed by the Mayor and attested to by the City Clerk.



Roll Call Number

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Agenda Item Number

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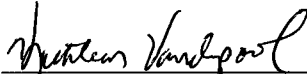
Date August 11, 2008

(Council Communication Number 08-475 is attached)

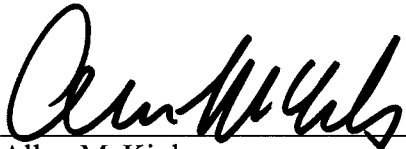
Moved by _____ to adopt.

FORM APPROVED:

FUNDS AVAILABLE



Kathleen Vanderpool,
Deputy City Attorney



Allen McKinley
Des Moines Finance Director

M

Funding Source: 2008-2009 CIP, Page Storm-4, City-wide Storm Water Utility Projects, STE057, Storm Water Utility Funds

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLISSIS				
TOTAL				

MOTION CARRIED

APPROVED

CERTIFICATE

I, DIANE RAUH, 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

City Clerk

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**PROJECT
LOCATION**

STATE
CAPITOL

RIVERSIDE
PARK



**503 S.E. 8TH STREET
EMERGENCY STORM SEWER REPAIR
ACTIVITY ID 08-2009-001**

TR:ENGG Design\08\2009\0801\Drawings\Loc_Map\LOC_MAP.DGN 31-JUL-2008 14:22



July 31, 2008

Jeb E. Brewer
City Engineer
City of Des Moines
City Hall
400 Robert D. Ray Drive
Des Moines, Iowa 50309-1891

DES MOINES, IOWA
STORM SEWER FAILURE
503 SE EIGHTH STREET
EMERGENCY DECLARATION

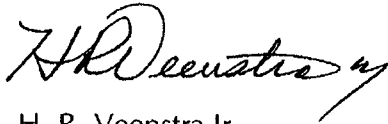
In response to the request from the City of Des Moines, the writer has investigated a storm sewer failure in the vicinity of 503 SE Eighth Street. An 18-inch vitrified clay storm sewer has collapsed and failed creating a sink hole. The public works crews of the City of Des Moines began excavation to repair the storm sewer. During the excavation the Public Works crews encountered elevated groundwater conditions. Due to the groundwater conditions it was determined the soil conditions were unstable. Due to the unstable soil conditions and high groundwater, it was determined the Public Works crew was not in a position to complete the repair.

The partially completed repair has created an unstable excavation exacerbated by the high groundwater. Based on the investigation it is the writer's opinion the repair of the storm sewer collapse at 503 SE Eighth Street constitutes an emergency condition and repairs should be completed as soon as possible. The basis for this determination is the existing excavation and sink hole is unstable. The unstable condition combined with the current high groundwater condition places the excavation at a very high risk of additional loss of soil that will result in damage to SE Eighth Street and the adjoining sidewalk.

Jeb Brewer
July 31, 2008
Page 2

If you have any questions or comments concerning the project, please contact us at 225-8000.

VEENSTRA & KIMM, INC.

A handwritten signature in black ink, appearing to read "H. R. Veenstra Jr.", written in a cursive style.

H. R. Veenstra Jr.

114273
cc: Darwin Larson

CITY OF DES MOINES, IOWA
ENGINEERING DEPARTMENT

TO: Rick Clark
City Manager

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

DATE: July 31, 2008

RE: 503 SE 8th Street Emergency Storm Sewer Repair
Activity ID 08-2009-001

The Engineering Department has requested fax quotes from three sewer contractors for furnishing all material, labor, and equipment necessary to complete the emergency storm sewer repair, which includes repair of the 18" clay storm sewer, backfill and compaction, replacement of sidewalk and street, and restoration site in accordance with the contract documents in front of 503 SE 8th Street, Des Moines, Iowa.

The proposed emergency sewer repair requires the services of a private contractor, since the Public Works Department could not provide the necessary repair. Public Works crews started repair of a sink hole near 503 SE 8th Street that developed before the June 2008 heavy local rains and flooding. The sink hole had developed over the 18" clay storm sewer near 503 SE 8th Street. Public Works Crews were unable to complete the repair because they encountered the high water table which prevented them from completing the excavation. Engineering Staff was contacted on July 30, 2008, to complete the repair by an emergency contract. Potential bidders were contacted and emergency bids were received on July 30, 2008.

Faxed quotes were received on July 30, 2008 (attached) being:

The Underground Co.	\$36,600.00
Van Hauen & Associates	\$59,000.00
Corell Contractor, Inc.	\$86,375.00

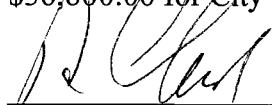
The specifications given the bidders required the work be done according to the "Urban Standard Specifications for Public Improvements". The Engineering Department recommends acceptance of the bid of \$36,600.00.

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

I concur with the City Engineer's recommendation and hereby declare this storm sewer repair an emergency to be constructed immediately, waive the bidding requirements, and direct the City Engineer to prepare an emergency contract with The Underground Co. in the amount of \$36,600.00 for City Council approval at the next available meeting.



Rick Clark
City Manager

Proposal for Performance of 503 SE 8th Street Emergency Storm Sewer Repair

(Page 1 of 1)

The City of Des Moines, hereinafter the "Jurisdiction", is seeking proposals for the performance of the following work:

503 SE 8th Street Emergency Storm Sewer Repair, Activity ID 08-2009-001, described as:

Repair of 18" storm sewer, backfill and compact, replace sidewalk and restore site in front of 503 SE 8th Street, Des Moines, Iowa.

By submission of this proposal, Bidder hereby proposes to:

1. Perform all the above-described work in accordance with the Urban Standard Specifications for Public Improvements, and with this solicitation, as modified by the special provisions included in these contract documents which hereby are a part of this proposal by reference.
2. Commence the above-described work on or before Monday, August 4, 2008 and fully complete said work not later than August 11, 2008; and to pay liquidated damages for noncompliance with said completion provisions in the amount of one hundred and no/100 dollars (\$100.00) for each calendar day thereafter that the work remains incomplete.
3. Complete the work comprising the above referenced improvements or work as specified in the contract documents at the prices hereinafter provided on Proposal Attachment: Part C - Bid Items, Quantities, and Prices. The quantities shown on the Proposal Attachment: Part C - Bid Items, Quantities and Prices are approximate only, but are considered sufficiently adequate for the purpose of comparing bids.
4. The Bidder hereby acknowledges that all addenda become a part of the contract documents when issued, acknowledges receipt of the following addenda by inserting the number of each addendum in the blanks below, and certifies that said addenda were utilized in the preparation of this bid.

ADDENDUM NUMBER _____ ADDENDUM NUMBER _____

Respectfully submitted

The Underground Company
Bidder Name

12245 DAKOTA STREET
Street Address

By [Signature]
Signature Date

CARLISLE, IOWA
City, State - Zip Code

Duane Berkhavdt Pres
Printed Name and Title

515-282-8455
Telephone Number

Note: A contract will not be executed until the apparent low bidder is registered with the Iowa Commissioner of Labor pursuant to Section 91C.5 of the Iowa Code. The bidder should contact 515-242-5871 for registration information.

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PROPOSAL ATTACHMENT: PART C - BID ITEMS, QUANTITIES AND PRICES: 1 of 1

THIS IS A UNIT BID PRICE CONTRACT. THE BIDDER MUST PROVIDE THE UNIT BID PRICE, THE TOTAL BID PRICE, ANY ALTERNATE PRICE(S) AND THE TOTAL CONSTRUCTION COST; IN CASE OF DISCREPANCY, THE UNIT BID PRICE GOVERNS. THE QUANTITIES SHOWN ON THIS PROPOSAL ATTACHMENT: PART C - BID ITEMS, QUANTITIES AND PRICES ARE APPROXIMATE ONLY, BUT ARE CONSIDERED SUFFICIENTLY ADEQUATE FOR THE PURPOSE OF COMPARING BIDS. THE TOTAL CONSTRUCTION COST PLUS ANY ALTERNATES SELECTED BY THE JURISDICTION SHALL BE USED FOR COMPARISON OF BIDS. THE TOTAL CONSTRUCTION COST, INCLUDING ANY ADD-ALTERNATES, SHALL BE USED FOR DETERMINING THE SUFFICIENCY OF THE BID SECURITY.

ACTIVITY ID 08-2009-001

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>UNITS</u>	<u>ESTIMATED QUANTITY</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
1	503 SE 8TH SPOT REPAIR, 18" STORM	LS	1.00	\$ <u>22,400⁰⁰</u>	\$ <u>22,400.00</u>
2	ADDITIONAL 18" STORM SEWER	LF	20.00	\$ <u>50⁰⁰</u>	\$ <u>1,000.00</u>
3	SIDEWALK	SY	30.00	\$ <u>50⁰⁰</u>	\$ <u>1,500.00</u>
4	DEWATERING	LS	1.00	\$ <u>9500⁰⁰</u>	\$ <u>9500.00</u>
5	SOIL, IMPORT & COMPACT	LS	1.00	\$ <u>100⁰⁰</u>	\$ <u>100.00</u>
6	SEEDING	LS	1.00	\$ <u>300⁰⁰</u>	\$ <u>300.00</u>
7	TRAFFIC CONTROL	LS	1.00	\$ <u>300⁰⁰</u>	\$ <u>300.00</u>
8	BY-PASS PUMPING	LS	1.00	\$ <u>1500⁰⁰</u>	\$ <u>1500.00</u>

TOTAL CONSTRUCTION COST \$ 36,600.00

NOTE: IT IS UNDERSTOOD THAT THE ABOVE QUANTITIES ARE ESTIMATED FOR THE PURPOSE OF THIS BID. ALL QUANTITIES ARE SUBJECT TO REVISION BY THE CITY. QUANTITY CHANGES WHICH AMOUNT TO TWENTY (20) PERCENT OR LESS OF THE TOTAL BID SHALL NOT AFFECT THE UNIT BID PRICE OF THAT ITEM.



12245 Dakota Ct.
Carlisle, IA 50047

To : Jeff Hansen

Proposal for Performance of 503 SE 8th Street Emergency Storm Sewer Repair (Page 1 of 1)

The City of Des Moines, hereinafter the "Jurisdiction", is seeking proposals for the performance of the following work:

503 SE 8th Street Emergency Storm Sewer Repair, Activity ID 08-2009-001, described as:

Repair of 18" storm sewer, backfill and compact, replace sidewalk and restore site in front of 503 SE 8th Street, Des Moines, Iowa.

By submission of this proposal, Bidder hereby proposes to:

1. Perform all the above-described work in accordance with the Urban Standard Specifications for Public Improvements, and with this solicitation, as modified by the special provisions included in these contract documents which hereby are a part of this proposal by reference.
2. Commence the above-described work on or before Monday, August 4, 2008 and fully complete said work not later than August 11, 2008; and to pay liquidated damages for noncompliance with said completion provisions in the amount of one hundred and no/100 dollars (\$100.00) for each calendar day thereafter that the work remains incomplete.
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4. The Bidder hereby acknowledges that all addenda become a part of the contract documents when issued, acknowledges receipt of the following addenda by inserting the number of each addendum in the blanks below, and certifies that said addenda were utilized in the preparation of this bid.

ADDENDUM NUMBER _____ ADDENDUM NUMBER _____

Respectfully submitted

Van Hauen + Associates, Inc.
Bidder Name

13615 NW 5th Avenue
Street Address

By Jamie Croubaugh 7/30/08
Signature Date

Grimes, IA 50111
City, State – Zip Code

Jamie Croubaugh Project Engineer
Printed Name and Title

(515) 223-6234
Telephone Number

Note: A contract will not be executed until the apparent low bidder is registered with the Iowa Commissioner of Labor pursuant to Section 91C.5 of the Iowa Code. The bidder should contact 515-242-5871 for registration information.

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PROPOSAL ATTACHMENT: PART C - BID ITEMS, QUANTITIES AND PRICES: 1 of 1

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ACTIVITY ID 08-2009-001

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>UNITS</u>	<u>ESTIMATED QUANTITY</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
1	503 SE 8TH SPOT REPAIR, 18" STORM	LS	1.00	\$ <u>34,000.⁰⁰</u>	\$ <u>34,000.⁰⁰</u>
2	ADDITIONAL 18" STORM SEWER	LF	20.00	\$ <u>60.⁰⁰</u>	\$ <u>1,200.⁰⁰</u>
3	SIDEWALK	SY	30.00	\$ <u>60.⁰⁰</u>	\$ <u>1,800.⁰⁰</u>
4	DEWATERING	LS	1.00	\$ <u>10,000.⁰⁰</u>	\$ <u>10,000.⁰⁰</u>
5	SOIL, IMPORT & COMPACT	LS	1.00	\$ <u>3,000.⁰⁰</u>	\$ <u>3,000.⁰⁰</u>
6	SEEDING	LS	1.00	\$ <u>1,000.⁰⁰</u>	\$ <u>1,000.⁰⁰</u>
7	TRAFFIC CONTROL	LS	1.00	\$ <u>2,000.⁰⁰</u>	\$ <u>2,000.⁰⁰</u>
8	BY-PASS PUMPING	LS	1.00	\$ <u>6,000.⁰⁰</u>	\$ <u>6,000.⁰⁰</u>
TOTAL CONSTRUCTION COST					\$ <u>59,000.⁰⁰</u>

NOTE: IT IS UNDERSTOOD THAT THE ABOVE QUANTITIES ARE ESTIMATED FOR THE PURPOSE OF THIS BID. ALL QUANTITIES ARE SUBJECT TO REVISION BY THE CITY. QUANTITY CHANGES WHICH AMOUNT TO TWENTY (20) PERCENT OR LESS OF THE TOTAL BID SHALL NOT AFFECT THE UNIT BID PRICE OF THAT ITEM.

VH+A

Proposal for Performance of 503 SE 8th Street Emergency Storm Sewer Repair (Page 1 of 1)

The City of Des Moines, hereinafter the "Jurisdiction", is seeking proposals for the performance of the following work:

503 SE 8th Street Emergency Storm Sewer Repair, Activity ID 08-2009-001, described as:

Repair of 18" storm sewer, backfill and compact, replace sidewalk and restore site in front of 503 SE 8th Street, Des Moines, Iowa.

By submission of this proposal, Bidder hereby proposes to:

1. Perform all the above-described work in accordance with the Urban Standard Specifications for Public Improvements, and with this solicitation, as modified by the special provisions included in these contract documents which hereby are a part of this proposal by reference.
2. Commence the above-described work on or before Monday, August 4, 2008 and fully complete said work not later than August 11, 2008; and to pay liquidated damages for noncompliance with said completion provisions in the amount of one hundred and no/100 dollars (\$100.00) for each calendar day thereafter that the work remains incomplete.
3. Complete the work comprising the above referenced improvements or work as specified in the contract documents at the prices hereinafter provided on Proposal Attachment: Part C - Bid Items, Quantities, and Prices. The quantities shown on the Proposal Attachment: Part C - Bid Items, Quantities and Prices are approximate only, but are considered sufficiently adequate for the purpose of comparing bids.
4. The Bidder hereby acknowledges that all addenda become a part of the contract documents when issued, acknowledges receipt of the following addenda by inserting the number of each addendum in the blanks below, and certifies that said addenda were utilized in the preparation of this bid.

ADDENDUM NUMBER _____

ADDENDUM NUMBER _____

Respectfully submitted

Corell Contractor Inc.
Bidder Name

1300 Lincoln Street
Street Address

By Joel Jackson 7-30-08
Signature Date

West Des Moines, IA 50265
City, State - Zip Code

Joel Jackson Vice-President
Printed Name and Title

515-221-9669
Telephone Number

Note: A contract will not be executed until the apparent low bidder is registered with the Iowa Commissioner of Labor pursuant to Section 91C.5 of the Iowa Code. The bidder should contact 515-242-5871 for registration information.

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PROPOSAL ATTACHMENT: PART C - BID ITEMS, QUANTITIES AND PRICES: 1 of 1

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ACTIVITY ID 08-2009-031

<u>ITEM</u>	<u>DESCRIPTION</u>		<u>UNITS</u>	<u>ESTIMATED QUANTITY</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
1	503 SE 8TH SPOT REPAIR, 18" STORM	35'	LS	1.00	\$ <u>38,675-</u>	\$ <u>38,675-</u>
2	ADDITIONAL 18" STORM SEWER		LF	20.00	\$ <u>1,000-</u>	\$ <u>20,000-</u>
3	SIDEWALK		SY	30.00	\$ <u>40-</u>	\$ <u>1,200-</u>
4	DEWATERING		LS	1.00	\$ <u>10,000-</u>	\$ <u>10,000-</u>
5	SOIL, IMPORT & COMPACT		LS	1.00	\$ <u>10,000-</u>	\$ <u>10,000-</u>
6	SEEDING		LS	1.00	\$ <u>750-</u>	\$ <u>750-</u>
7	TRAFFIC CONTROL		LS	1.00	\$ <u>750-</u>	\$ <u>750-</u>
8	BY-PASS PUMPING		LS	1.00	\$ <u>5,000-</u>	\$ <u>5,000-</u>
TOTAL CONSTRUCTION COST						\$ <u>86,375-</u>

NOTE: IT IS UNDERSTOOD THAT THE ABOVE QUANTITIES ARE ESTIMATED FOR THE PURPOSE OF THIS BID. ALL QUANTITIES ARE SUBJECT TO REVISION BY THE CITY. QUANTITY CHANGES WHICH AMOUNT TO TWENTY (20) PERCENT OR LESS OF THE TOTAL BID SHALL NOT AFFECT THE UNIT BID PRICE OF THAT ITEM.