



**Roll Call Number**

**Agenda Item Number**

47

Date ..... August 25, 2008 .....

APPROVAL OF EMERGENCY PROCEEDINGS FOR THE 3510 SW 5TH STREET EMERGENCY STORM & SANITARY SEWER REPAIR, RECEIVE AND FILE THE CITY MANAGER'S EMERGENCY DECLARATION, AND APPROVE THE EMERGENCY CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER, VAN HAUEN & ASSOCIATES, INC. , MARK VAN HAUEN, CEO/VICE PRESIDENT, \$27,500.00

**WHEREAS**, Public Works crews discovered sanitary sewage in a storm sewer and traced the problem to near 3510 SW 5<sup>th</sup> Street. A television inspection of the sanitary sewer revealed that the sanitary sewer had settled above the storm sewer and sanitary sewage was leaking into the storm sewer at this location. The storm sewer was been temporarily sand bagged to prevent the sanitary sewage from discharging through the storm sewer system; however, this arrangement will become a problem during a rainfall event and therefore requires immediate repair as an emergency contract. Engineering Staff was contacted on August 5, 2008 by Public Works Staff, and was requested to commence the repair by an emergency contract. Potential bidders were contacted and emergency bids were received on August 6, 2008.

**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:

- \$27,500.00 from Van Hauen & Associates, Inc., Clive, IA
- \$29,999.00 from The Underground Company, Ltd., Carlisle, IA
- \$30,239.00 from Corell Contractor, Inc. West Des Moines, IA

for the 3510 SW 5th Street Emergency Storm & Sanitary Sewer Repair, 08-2009-002, work described as all labor, equipment, and materials necessary to complete the repair of the 15" storm sewer, 10" sanitary sewer, backfill and compaction, replacement of street, and restoration of the site in accordance with the contract documents in front of 3510 SW 5th 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.



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**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.

**WHEREAS**, in the attached August 6, 2008 letter, the City Manager declared this sanitary and storm 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., Mark Van Hauen, CEO/Vice President, 13185 Pineview Drive, Clive, IA 50325, in the amount of \$27,500.00 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 3510 SW 5th Street Emergency Storm & Sanitary Sewer Repair, 08-2009-002, work described as all labor, equipment, and materials necessary to complete the repair of the 15” storm sewer, 10” sanitary sewer, backfill and compaction, replacement of street, and restoration of the site in accordance with the contract documents in front of 3510 SW 5th 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 \$27,500.00, executed by Van Hauen & Associates, Inc., Mark Van Hauen, CEO/Vice President, 13185 Pineview Drive, Clive, IA 50325 dated August 25, 2008, for the construction of said repairs be and the same are hereby approved.

**BE IT FURTHER RESOLVED:** That the Mayor Pro Tem 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 Pro Tem and attested to by the City Clerk.



**Roll Call Number**

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**Agenda Item Number**

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Date August 25, 2008

(Council Communication Number 08-511 is attached)

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

FORM APPROVED:

FUNDS AVAILABLE

Kathleen Vanderpool,  
Deputy City Attorney

Allen McKinley  
Des Moines Finance Director

**A** 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          |      |      |      |        |
| VLASSIS        |      |      |      |        |
| 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



August 8, 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 AND SANITARY SEWER FAILURE  
3510 SW FIFTH STREET  
EMERGENCY DECLARATION

In response to the request of the City of Des Moines, the writer has completed an investigation of the failure of sewers in front of 3510 SW Fifth Street. At this location there is both a 10-inch sanitary sewer and a 15-inch storm sewer. The investigation indicates there appears to be a failure of both the sanitary sewer and storm sewer. The failure has resulted in the development of a sink hole that has adversely impacted SW Fifth Street.

At the present time it appears the failure of the sewers is an isolated area. Spot repair of the damage pipe and restoration appears to be the appropriate remedial measure. If repairs are not completed, the failure of both pipes results in an increased risk of additional soil loss and an increase in the size of the sink hole.

Based on the investigation it is the writer's opinion failure of the sanitary sewer and storm sewer in front of 3510 SW 5<sup>th</sup> Street constitutes an emergency condition and repairs should be completed as soon as practical. The basis for this determination is several-fold. First, with the failure of both sewers there is an increased risk of continuing soil loss that would increase the size of the sink hole and impact on SW 5<sup>th</sup> Street. Second, the potential for additional soil loss may pose a public safety hazard with little advance warning. Third, with the failure of both sewers, there is a risk sanitary sewage could enter the storm sewer system and result in an unauthorized discharge of sanitary sewage.

Jeb Brewer  
August 8, 2008  
Page 2

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

VEENSTRA & KIMM, INC.



H. R. Veenstra Jr.

114273  
cc: Roger Joanning

CITY OF DES MOINES, IOWA  
ENGINEERING DEPARTMENT

47

TO: Rick Clark  
City Manager

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

DATE: August 6, 2008

RE: 3510 SW 5th Street Emergency Storm & Sanitary Sewer Repair  
Activity ID 08-2009-002

The Engineering Department has requested fax quotes from three sewer contractors for furnishing all material, labor, and equipment necessary to complete the emergency storm and sanitary sewer repair, which includes repair of the 15" storm sewer, 10" sanitary sewer, backfill and compaction, replacement of street, and restoration of the site in accordance with the contract documents in front of 3510 SW 5th 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 discovered sanitary sewage in a storm sewer and traced the problem to near 3510 SW 5<sup>th</sup> Street. A television inspection of the sanitary sewer revealed that the sanitary sewer has settled above the storm sewer and sanitary sewage is leaking into the storm sewer at this location. The storm sewer has been temporarily sand bagged to prevent the sanitary sewage from discharging through the storm sewer system; however, this arrangement will become a problem during a rainfall event and therefore requires immediate repair as an emergency contract. Engineering Staff was contacted on August 5, 2008 by Public Works Staff, and was requested to commence the repair by an emergency contract. Potential bidders were contacted and emergency bids were received on August 6, 2008.

Faxed quotes were received on August 6, 2008 (attached) from the following bidders:

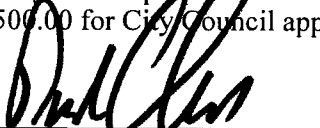
|                         |             |
|-------------------------|-------------|
| Van Hauen & Associates  | \$27,500.00 |
| The Underground Co.     | \$29,999.00 |
| Corell Contractor, Inc. | \$30,239.00 |

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 low bid of \$27,500.00.

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 and sanitary 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 & Associates in the amount of \$27,500.00 for City Council approval at the next available meeting.

  
Rick Clark, City Manager

TABULATED BY: HANSEN  
CHECKED BY: SMJ APPROVED BY: John F. McKee

CONTRACTOR'S BID TABULATION  
PROJECT: 3510 SW 5TH SANI. & STORM REPAIR

ESTIMATE

| ITEM                           | DESCRIPTION                            | QUANTITY | UNIT | PRICE       | AMOUNT      | CONTRACTOR CITY               | BID PRICE   | UNIT PRICE  | AMOUNT      | PERCENT        |
|--------------------------------|--|----------|------|-------------|-------------|-------------------------------|-------------|-------------|-------------|----------------|
| 1                              | 3510 SW 5TH SANI. & STORM SEWER REPAIR | 1 LS     |      | \$35,000.00 | \$35,000.00 | VAN HAUEN & ASSOC. GRIMES, IA | \$27,500.00 | \$27,500.00 | \$27,500.00 | -21.43%<br>LOW |
|                                |  |          |      |             |             | UNDERGROUND CO CARLISLE, IA   | \$29,999.00 | \$29,999.00 | \$29,999.00 | -14.29%        |
|                                |  |          |      |             |             | CORELL, INC WDM, IA           | \$30,239.00 | \$30,239.00 | \$30,239.00 | -13.60%        |
| TOTAL CONSTRUCTION COST        |  |          |      |             | \$35,000.00 |                               |             |             | \$27,500.00 | -21.43%        |
| PERCENT OF ENGINEER'S ESTIMATE |  |          |      |             |             |                               |             |             | \$30,239.00 | -13.60%        |

47

Jeff Hansen:

**Proposal for Performance of 3510 SW 5th Street Emergency Storm & Sanitary Sewer Repair**  
(Page 1 of 1)

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

3510 SW 5<sup>th</sup> Street Emergency Storm & Sanitary Sewer Repair, Activity ID 08-2009-002, described as:

The improvement includes repair of the 15" storm sewer, 10" sanitary sewer, backfill and compaction, replacement of street, and restoration of the site in accordance with the contract documents in front of 3510 SW 5<sup>th</sup> 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 11, 2008 and fully complete said work not later than August 18, 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

Van Hauen + Associates, Inc.  
Bidder Name

13615 NW 54<sup>th</sup> Ave.  
Street Address

By Jamie Crubagh 8/6/08  
Signature Date

Grimes IA 50111  
City, State – Zip Code

Jamie Crubagh 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**

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: 08-2009-002

| <u>ITEM</u> | <u>DESCRIPTION</u>                     | <u>UNITS</u> | <u>ESTIMATED QUANTITY</u> | <u>UNIT PRICE</u>              | <u>AMOUNT</u>                  |
|-------------|--|--------------|---------------------------|--------------------------------|--------------------------------|
| 1           | 3510 SW 5TH SANI. & STORM SEWER REPAIR | LS           | 1.00                      | \$ <u>27,500.<sup>00</sup></u> | \$ <u>27,500.<sup>00</sup></u> |

TOTAL CONSTRUCTION COST \$ 27,500.<sup>00</sup>

\* ITEM DOES NOT HAVE TO BE INCLUDED IN 4-YEAR MAINTENANCE BOND BUT SHALL BE COVERED BY A 1-YEAR MAINTENANCE BOND

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.

2:00

**Proposal for Performance of 3510 SW 5th Street Emergency Storm & Sanitary Sewer Repair**  
(Page 1 of 1)

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

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ADDENDUM NUMBER \_\_\_\_\_ ADDENDUM NUMBER \_\_\_\_\_

Respectfully submitted

Underground Co.  
Bidder Name

By Duane Bukhovt  
Signature Date

Duane Bukhovt  
Printed Name and Title

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State – Zip Code

\_\_\_\_\_  
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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ACTIVITY ID: 08-2009-C

| <u>ITEM</u> | <u>DESCRIPTION</u>                     | <u>UNITS</u> | <u>ESTIMATED QUANTITY</u> | <u>UNIT PRICE</u>    | <u>AMOUNT</u> |
|-------------|--|--------------|---------------------------|----------------------|---------------|
| 1           | 3510 SW 5TH SANI. & STORM SEWER REPAIR | LS           | 1.00                      | <del>\$</del> 29,999 | \$ 29,999     |

TOTAL CONSTRUCTION COST ~~\$~~ 29,999

\* ITEM DOES NOT HAVE TO BE INCLUDED IN 4-YEAR MAINTENANCE BOND BUT SHALL BE COVERED BY A 1-YEAR MAINTENANCE BOND

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 Street  
Carlisle, Iowa 50047  
phone: 515-282-8455  
fax: 515-282-8465



**Fax**

Company: City of Des Moines  
Attn: Joe H. Hanson From: The Underground Co  
Phone: \_\_\_\_\_ Date: 8-6-97  
Fax: 515 237,814 Pages including cover sheet: 3  
Re: \_\_\_\_\_

Notes: 3510 SCU 5<sup>th</sup>  
Storm Repair

47

**Proposal for Performance of 3510 SW 5th Street Emergency Storm & Sanitary Sewer Repair**  
(Page 1 of 1)

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ADDENDUM NUMBER \_\_\_\_\_ ADDENDUM NUMBER \_\_\_\_\_

Respectfully submitted

CORELL CONTRACTOR, INC.  
Bidder Name

1300 LINCOLN ST.  
Street Address

By *Grant S. Corell* 08/06/08  
Signature Date

WBM, IA 50265  
City, State – Zip Code

Grant S. Corell, 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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|-------------|--|--------------|---------------------------|-------------------|--------------------------------|
| 1           | 3510 SW 5TH SANI. & STORM SEWER REPAIR | LS           | 1.00                      | \$ <u>30,239</u>  | \$ <u>30,239.<sup>00</sup></u> |

TOTAL CONSTRUCTION COST \$ 30,239.<sup>00</sup>

\* ITEM DOES NOT HAVE TO BE INCLUDED IN 4-YEAR MAINTENANCE BOND BUT SHALL BE COVERED BY A 1-YEAR MAINTENANCE BOND

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47

Office  
1300 Lincoln Street  
West Des Moines, Iowa 50265  
515.221.9669



Mailing Address  
P.O. Box 65430  
West Des Moines, Iowa 50265  
Fax: 515.221.9778

FACSIMILE TRANSMISSION

COMPANY: City of DSM Engineering DATE: 8/6/08

ATTENTION: Mr. Jeff Hanson FROM: Grant

FAX NO.: 237-1814

NUMBER OF PAGES (INCLUDING COVER) 3

IF THERE IS A PROBLEM WITH THIS TRANSMISSION

PLEASE CALL (515) 221-9669

RE: SWS 4 1/2 THORNTON  
SEWER REPAIR