

DATE October 13, 2008

**ACCEPTING COMPLETED CONSTRUCTION, AND APPROVING  
FINAL PAYMENT REGARDING PURCHASE ORDER NO. 21346  
FOR THE SE 5TH & LIVINGSTON AND SE 8TH & VAN BUREN STORM SEWER REPAIRS,  
VAN HAUEN & ASSOCIATES, INC.**

Whereas, On July 14, 2008, under Roll Call 08-1273, the City Council made a finding that the emergency repairs were necessary in accordance with Subsection 384.103(2) of the Code of Iowa and approved Purchase Order No. 21346 which was issued to Van Hauen & Associates, Mark Van Hauen, CEO/Vice President, 13185 Pineview Drive, Clive, IA 50325 in the amount of \$145,000.00 for the following:

- SE 5th & Livingston Storm Sewer Repair: Activity ID 14-2008-066: This work includes the spot repair of the 48" storm sewer and street repair. The 48" storm sewer has failed under SE 5<sup>th</sup> north of Livingston resulting in a sinkhole that has caused a portion of the street to collapse into the sinkhole. The sinkhole has also caused damage to a portion of a parking lot that will also be removed and replaced. The contractor will be required to dewater the work area before commencing the storm sewer repair.
- SE 8th & Van Buren Storm Sewer Repair: Activity ID 14-2008-068: This work includes the spot repair of the 42" storm sewer and street repair. The 42" storm sewer has failed under SE 8th & Van Buren resulting in a sink hole that has caused a portion of the street to collapse into the sinkhole. The local storm sewer system, including manholes, intakes, and 15" storm sewer was also damaged and needs to be repaired. The contractor will be required to dewater the work area before commencing the storm sewer repair.

Whereas, on July 16, 2008, the Procurement Administrator issued a change order to Purchase Order No. 21346 with Van Hauen & Associates, Inc. on a time and materials basis not to exceed \$60,000 for the 400 Block of Van Buren Emergency Storm Sewer Repair: Activity ID 14-2008-077. This change order also included the emergency work in the 700 Block of Van Buren Storm Sewer Repair: Activity ID 14-2008-067, and

Whereas, the Procurement Administrator has issued a \$9,272.52 change order to add the SE 3<sup>rd</sup> & Jackson Emergency Storm Sewer Repair, and balance the purchase order cost to as-constructed quantities and costs.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the attached report of the Jurisdictional Engineer, showing the cost of the construction of the above referenced emergency storm sewer repairs, in accordance with Purchase Order Number 21346 approved between Van Hauen & Associates, Mark Van Hauen, CEO/Vice President, 13185 Pineview Drive, Clive, IA 50325, under Roll Call No. 08-1273, of July 14, 2008, and the City of Des Moines, and recommending the acceptance thereof, be and the same is hereby approved, and accepted.

BE IT FURTHER RESOLVED: That \$214,272.52 is the total cost of Purchase Order No 21346, of which \$194,750.00 has been paid the Contractor, and \$8,808.89 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$10,713.63 is to be paid at the end of thirty days, provided no claims or liens have been filed against said contract. In the event that at the end of said thirty (30) day period, claims are on file as herein provided, the City of Des Moines shall continue to retain from said unpaid funds, a sum not less than double the total amount of all claims on file, or the full Chapter 573 Code of Iowa retainage amount, whichever is lesser.

★ **Roll Call Number**

Agenda Item Number

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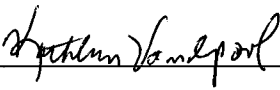
DATE October 13, 2008


BE IT FURTHER RESOLVED: That the Engineering Department be and is hereby authorized and directed to notify all persons and firms with outstanding Chapter 573 claims against said project, that the project has been given final acceptance as completed by this City Council, that they have 60 days from such acceptance within which to initiate suit to collect on their claims, and that if suit is not commenced within that time, the City of Des Moines will be required to release the retainage which it is now holding.

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

FORM APPROVED:

FUNDS AVAILABLE

  
 Kathleen Vanderpool  
 Deputy City Attorney

  
 Allen McKinley  
 Des Moines Finance Director

Funding Source: Anticipated to be no City Cost for this emergency repair work with funding anticipated to be 90% FEMA and 10% State funds, 2008-2009 Operating Budget, SP854, ENG982008, OPR 178, 2008 Storms Mitigation/Recovery.

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

MOTION CARRIED APPROVED

\_\_\_\_\_  
 Mayor

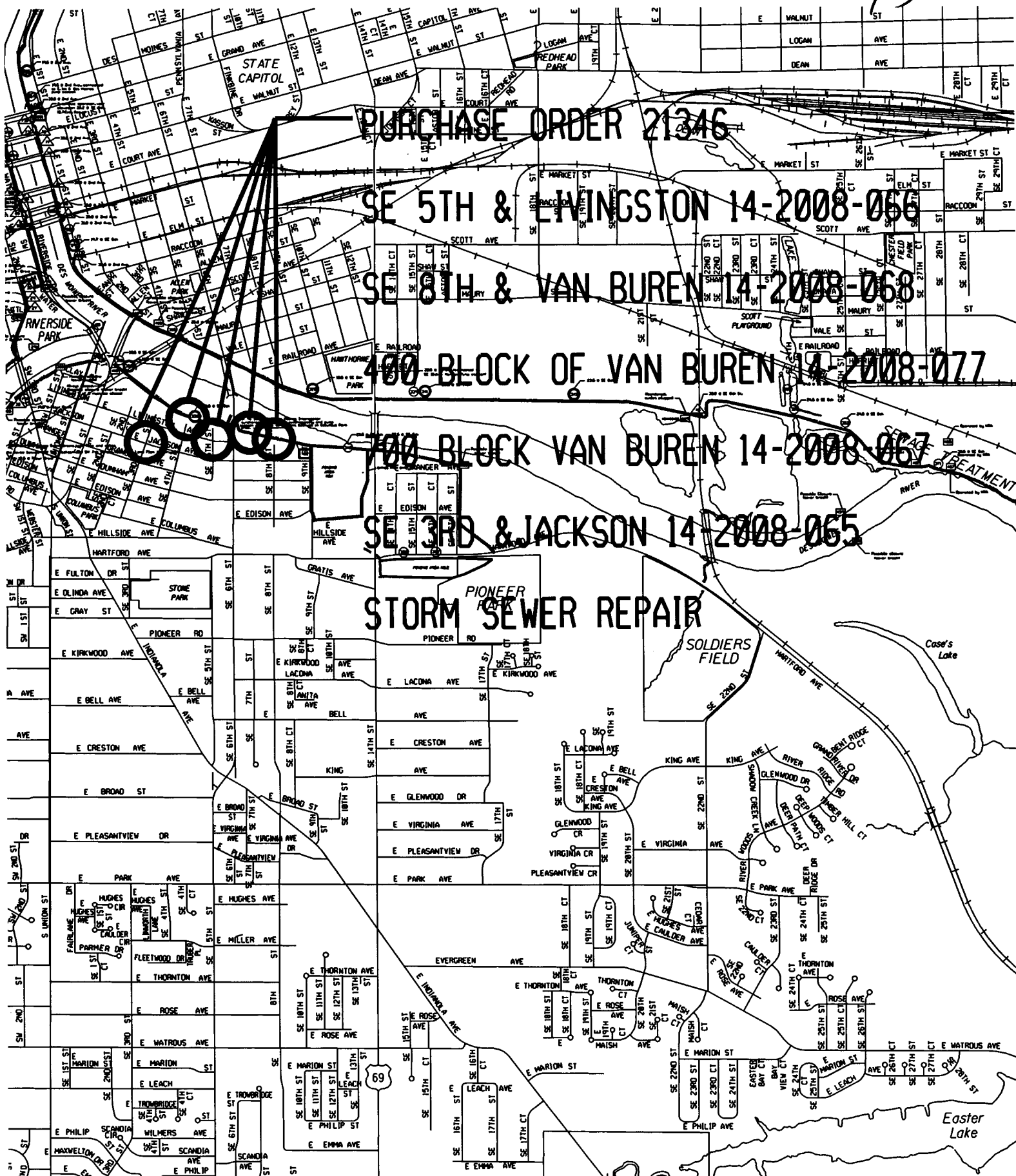
**CERTIFICATE**

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.

\_\_\_\_\_  
 City Clerk

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**PURCHASE ORDER 21346**

**SE 5TH & LIVINGSTON 14-2008-066**

**SE 8TH & VAN BUREN 14-2008-068**

**400 BLOCK OF VAN BUREN 14-2008-077**

**700 BLOCK VAN BUREN 14-2008-067**

**SE 3RD & JACKSON 14-2008-065**

**STORM SEWER REPAIR**

October 13, 2008

**CERTIFICATION OF COMPLETION**

**AGENDA HEADING:**

Accepting completed construction and approving final payment regarding Purchase Order No. 21346 for the SE 5th & Livingston and SE 8th & Van Buren Storm Sewer Repairs, Van Hauen & Associates, Inc.

**SYNOPSIS:**

Approve the Jurisdictional Engineer's Certification of Completion, accept construction of said improvement, and authorize final payment to the contractor.

**FISCAL IMPACT:**

Amount: \$214,272.52 As-Built Purchase Order Cost (Anticipate \$0 City Cost)

Funding Source: Anticipated to be no City Cost for this emergency repair work with funding anticipated to be 90% FEMA and 10% State funds, 2008-2009 Operating Budget, SP854, ENG982008, OPR 178, 2008 Storms Mitigation/Recovery.

**CERTIFICATION OF COMPLETION:**

On July 14, 2008, under Roll Call 08-1273, the City Council made a finding that the emergency repairs were necessary in accordance with Subsection 384.103(2) of the Code of Iowa and approved Purchase Order No. 21346 which was issued to Van Hauen & Associates, Mark Van Hauen, CEO/Vice President, 13185 Pineview Drive, Clive, IA 50325 in the amount of \$145,000.00 for the following:

- SE 5th & Livingston Storm Sewer Repair: Activity ID 14-2008-066: This work includes the spot repair of the 48" storm sewer and street repair. The 48" storm sewer has failed under SE 5<sup>th</sup> north of Livingston resulting in a sinkhole that has caused a portion of the street to collapse into the sinkhole. The sinkhole has also caused damage to a portion of a parking lot that will also be remove and replaced. The contractor will be required to dewater the work area before commencing the storm sewer repair.



ENGINEERING DEPARTMENT  
 CITY HALL  
 400 ROBERT D. RAY DRIVE  
 DES MOINES, IOWA 50309-1891  
 (515) 283-4920  
 FAX (515) 283-4112

ALL-AMERICA CITY  
 1949, 1976, 1981  
 2003

- SE 8th & Van Buren Storm Sewer Repair: Activity ID 14-2008-068: This is work includes the spot repair of the 42” storm sewer and street repair. The 42” storm sewer has failed under SE 8th & Van Buren resulting in a sink hole that has caused a portion of the street to collapse into the sinkhole. The local storm sewer system, including manholes, intakes, and 15” storm sewer was also damaged and needs to be repaired. The contractor will be required to dewater the work area before commencing the storm sewer repair.

On July 16, 2008, the Procurement Administrator issued a change order to Purchase Order No. 21346 with Van Hauen & Associates, Inc. on a time and materials basis not to exceed \$60,000 for the 400 Block of Van Buren Emergency Storm Sewer Repair: Activity ID 14-2008-077. During the construction of the spot repair of the 48” storm sewer on SE 5<sup>th</sup> north of Livingston, the contractor discovered that the storm sewer immediately downstream was offset and restricting flow in the 400 block of Van Buren. A sink hole has developed near the toe of the levee which must be repaired to provide stability to the levee and restore storm water conveyance capacity. The contractor was required to dewater the work area before commencing the storm sewer repair. This change order also included the emergency work in the 700 Block of Van Buren Storm Sewer Repair: Activity ID 14-2008-067. During the repair of the 42” above, Van Hauen & Associates was directed to make repairs at three smaller sink holes in the 700 block of Van Buren as a change order to Purchase Order 21346. These three sink holes were minor, and when the contractor excavated for repairs, the 42” storm sewer could be repaired by using engineering fabric and constructing concrete collars.

During this emergency work a sink hole was also discovered in this same area at the northwest corner of the intersection of SE 3rd and Jackson. During the repair of the 42” above, Van Hauen & Associates, Inc. was directed to make repairs of the SE 3<sup>rd</sup> & Jackson Storm Sewer Repair: Activity ID 14-2008-065, as a change order to Purchase Order 21346. The sewer was televised and open joints were found. The 36” storm sewer was repaired by using engineering fabric and constructing concrete collars, and the pipe was not replaced. The Procurement Administrator issued a \$9,272.52 change order to add the SE 3<sup>rd</sup> & Jackson Storm Sewer Repair, and balance the purchase order cost to as-constructed quantities and costs.

I hereby certify that the construction of the above referenced emergency repairs have been completed in substantial compliance with the terms of said purchase order, and I hereby recommend that the work be accepted.

I further certify that \$214,272.52 is the total cost of said emergency repair improvement, of which \$194,750.00 has been paid the Contractor, and \$8,808.89 is now due and is hereby recommended as final partial payment for the above project, the remaining balance of \$10,713.63 is to be paid at the end of thirty days, provided no claims or liens have been filed against said contract. In the event that at the end of said thirty (30) day period, claims are on file as herein provided, the City of Des Moines shall continue to retain from said unpaid funds, a sum not less than double the total amount of all claims on file, or the full Chapter 573 Code of Iowa retainage amount, whichever is lesser.



Jeb E. Brewer, P.E.  
Des Moines City Engineer

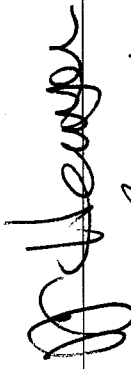


ESTIMATE OF CONSTRUCTION COMPLETED  
FOR WORK DONE FROM 07/3/08 to 09/17/08  
PARTIAL PAYMENT NO. 2 (FINAL)

PROJECT: SE 8TH & VAN BUREN AND SE 5TH & LIVINGSTON SEWER REPAIR  
CONTRACTOR: VAN HAUEM & ASSOC., INC.

Activity ID: 14-2008-066 & 68  
Date: 10/2/08

LINE NO.	DESCRIPTION	UNIT	UNITS			TOTAL AMOUNT
			ESTIMATED	AUTHORIZED	CONSTRUCTED TO DATE	
1	SE 8TH & VAN BUREN SPOT REPAIR, 42" STORM	LS	1.000	1.000	1.000	\$45,000.00
2	ADDITIONAL 42" STORM SEWER	LF	50.000	50.000	7.000	\$630.00
3	STREET PVMT, REM. & REPLACE	SY	50.000	50.000	153.600	\$11,520.00
4	INTAKE, M-A, REMOVE & REPLACE	EA	2.000	2.000	1.000	\$1,500.00
5	15" RCP STORM, REM. & REPLACE	LF	50.000	50.000	20.000	\$800.00
6	DEWATERING, SE 8TH & LIVINGSTON	LS	1.000	1.000	1.000	\$15,000.00
7	MANHOLE, STORM, REMOVE & REPLACE	EA	1.000	1.000	1.000	\$3,000.00
8	SE 5TH & LIVINGSTON SPOT REPAIR, 48" STORM	LS	1.000	1.000	1.000	\$42,750.00
9	PARKING LOT REMOVE & REPLACE	SY	80.000	80.000	0.000	\$75.00
10	DEWATERING, SE 5TH & LIVINGSTON	LS	1.000	1.000	1.000	\$15,000.00
11	ADDITIONAL 48" STORM SEWER	LF	50.000	50.000	3.000	\$300.00
	ADDITIONAL REPAIRS, 400 & 700 BLOCK VAN BUREN	LS	1.000	1.000	1.000	\$67,168.31
	ADDITIONAL REPAIR, SE 3RD & JACKSON	LS	1.000	1.000	1.000	\$11,604.21
	DETAILED DOCUMENTATION IS ATTACHED					
	TOTAL CONTRACT AMOUNT PLUS CHANGE ORDERS		\$214,272.52			
	PARTIAL PAYMENT NO. 1		\$194,750.00			
	THIS PARTIAL PAYMENT		\$8,808.89			
	TOTAL PARTIAL PAYMENTS		\$203,558.89			
	BALANCE (RETAINAGE)		\$10,713.63			
	TOTAL					\$214,272.52
	RETAINAGE					\$10,713.63
	TOTAL LESS RETAINAGE					\$203,558.89
	LESS PREVIOUS PAYMENT					\$194,750.00
	AMOUNT DUE					\$8,808.89

PREPARED BY: 

CHECKED BY: 

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