



Date October 13, 2008

APPROVAL OF EMERGENCY PROCEEDINGS FOR THE 3625 SW 34TH STREET
EMERGENCY SANITARY SEWER REPAIR, RECEIVE AND FILE THE CITY
MANAGER'S EMERGENCY DECLARATION, AND APPROVE THE EMERGENCY
CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER, THE UNDERGROUND CO.,
LTD, DUANE BURKHARDT, PRESIDENT, \$46,200.00

WHEREAS, Public Works crews discovered a partially collapsed sanitary sewer in the back yard of 3625 SW 34th Street. A television inspection of the sanitary sewer revealed that the sanitary sewer has partially collapsed and has an extensive accumulation of tree roots that is causing a partial blockage, which could cause sewer backups into the houses on the sewer and/or a sanitary sewer overflow. If not repaired promptly, the sanitary sewer could collapse and become totally blocked which would require the Public Works Department to pump the sewage 24 hours per day to prevent backups.

WHEREAS, Engineering Staff was contacted on September 25, 2008 by Public Works Staff, and was requested to commence the repair by an emergency contract. Engineering Staff has investigated the site and there are large trees over the sanitary sewer at the location of the partial collapse. In order to preserve these mature trees and reduce tree root infiltration into the sanitary sewer, the Engineering Department has designed a relocation of approximately 100 feet of the 12" sanitary sewer around the trees. Potential bidders were contacted, given the new design, and emergency bids were received on September 26, 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 September 26, 2008 from the following bidders:

- \$46,200.00 from The Underground Company, Ltd., Carlisle, IA
- \$47,000.00 from Van Hauen & Associates, Inc., Clive, IA
- \$87,943.00 from Corell Contractor, Inc. West Des Moines, IA

for the 3625 SW 34th Street Emergency Sanitary Sewer Repair, 07-2009-002, work described as all labor, equipment, and materials necessary to complete the emergency sanitary sewer repair, which includes repair and relocation of the 12" sanitary sewer, backfill and compaction, and restoration of the site in accordance with the contract documents behind 3625 SW 34th 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.



Date October 13, 2008

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, Mark A. Land, P.E., Snyder & Associates, Inc., 2727 SW Snyder Boulevard, Ankeny, IA 50023, has inspected the site and has recommended in the attached letter that emergency repair action be taken.

WHEREAS, in the attached September 26, 2008 letter, the City Manager declared this sanitary 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 \$46,200.00 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 3625 SW 34th Street Emergency Sanitary Sewer Repair, 07-2009-002, work described as all labor, equipment, and materials necessary to complete the emergency sanitary sewer repair, which includes repair and relocation of the 12" sanitary sewer, backfill and compaction, and restoration of the site in accordance with the contract documents behind 3625 SW 34th 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 \$46,200.00, executed by The Underground Company, Ltd., Duane Burkhardt, President, 12245 Dakota Street, Carlisle, IA 50047, dated October 13, 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

Agenda Item Number

8

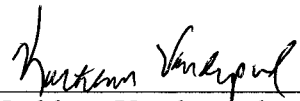
Date October 13, 2008

(Council Communication Number 08-611 is attached)

Moved by _____ to adopt.

FORM APPROVED:

FUNDS AVAILABLE



Kathleen Vanderpool,
Deputy City Attorney



Allen McKinley
Des Moines Finance Director

Funding Source: 2008-2009 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				

CERTIFICATE

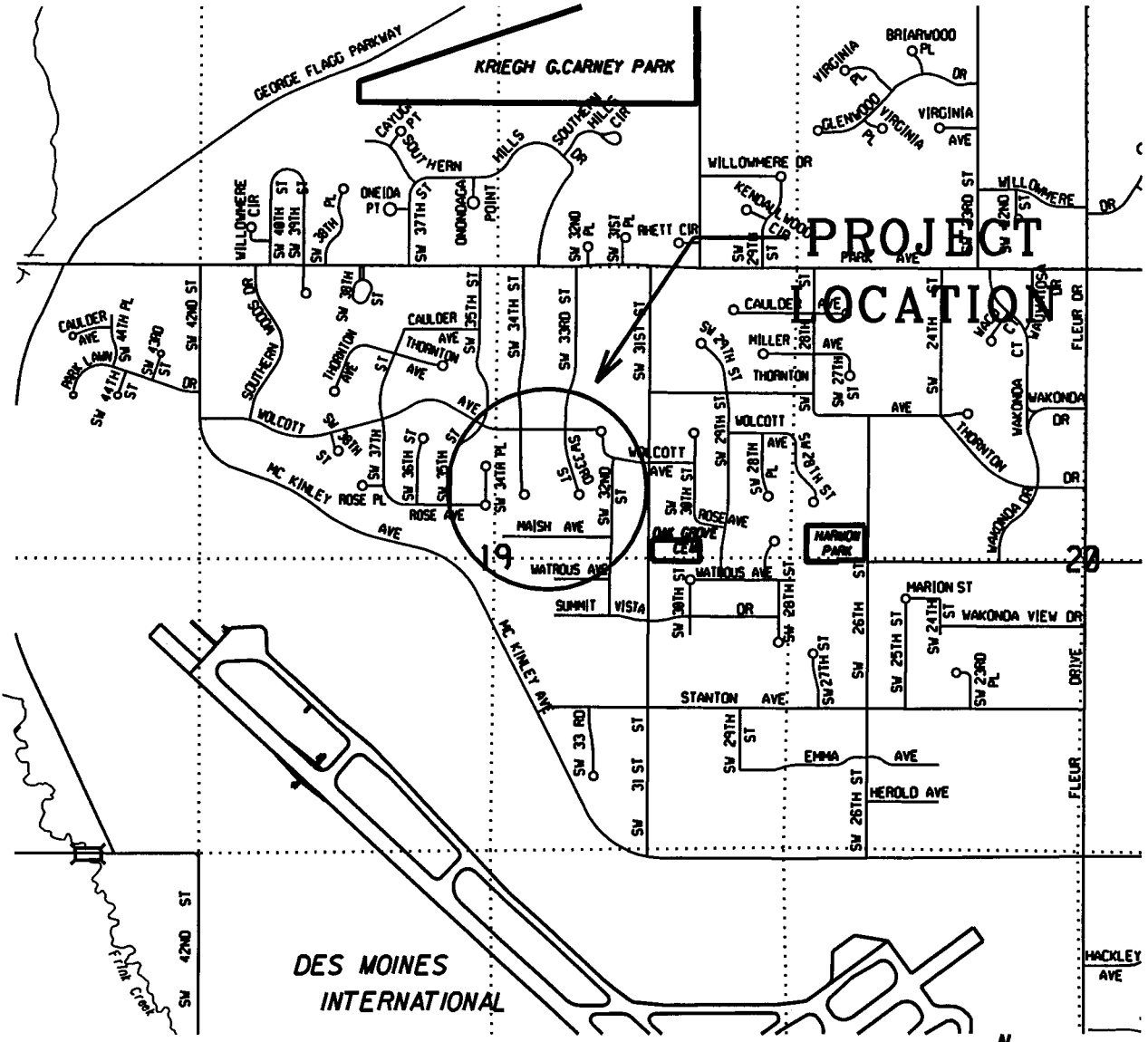
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

MOTION CARRIED APPROVED

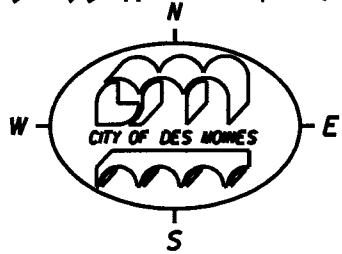
Mayor

City Clerk



PROJECT LOCATION

**3625 SW 34TH STREET
EMERGENCY SANITARY
SEWER REPAIR
ACTIVITY ID 07-2009-002**



sf1e-dates

CITY OF DES MOINES, IOWA
ENGINEERING DEPARTMENT

TO: Rick Clark
City Manager

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

DATE: September 26, 2008

RE: 3625 SW 34th Street Emergency Sanitary Sewer Repair
Activity ID 07-2009-002

The Engineering Department has requested fax quotes from three sewer contractors for furnishing all material, labor, and equipment necessary to complete the emergency sanitary sewer repair, which includes repair of the 12" sanitary sewer, backfill and compaction, and restoration of the site in accordance with the contract documents behind 3625 SW 34th 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 a partially collapsed sanitary sewer in the back yard of 3625 SW 34th Street. A television inspection of the sanitary sewer revealed that the sanitary sewer has partially collapsed and has an extensive accumulation of tree roots that is causing a partial blockage, which could cause sewer backups into the houses on the sewer and/or a sanitary sewer overflow. If not repaired promptly, the sanitary sewer could collapse and become totally blocked which would require the Public Works Department to pump the sewage 24 hours per day to prevent backups.


Engineering Staff was contacted on September 25, 2008 by Public Works Staff, and was requested to commence the repair by an emergency contract. Engineering Staff has investigated the site and there are large trees over the sanitary sewer at the location of the partial collapse. In order to preserve these mature trees and reduce tree root infiltration into the sanitary sewer, the Engineering Department has designed a relocation of approximately 100 feet of the 12" sanitary sewer around the trees. Potential bidders were contacted, given the new design, and emergency bids were received on September 26, 2008.

Faxed quotes were received on September 26, 2008 (attached) from the following bidders:

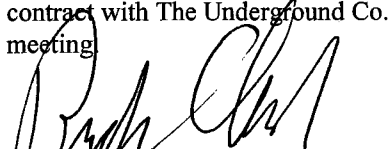
The Underground Co., Ltd.	\$46,200.00
Van Hauen & Associates	\$47,000.00
Corell Contractor, Inc.	\$87,943.00

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 \$46,200.00.

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 sanitary 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., Ltd. in the amount of \$46,200.00 for City Council approval at the next available meeting


Rick Clark, City Manager

Proposal for Performance of 3625 SW 34th Street Emergency 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:

3625 SW 34th Street Emergency Sanitary Sewer Repair, Activity ID 07-2009-002,
described as:

Realignment of approximately 100 LF of 12" sanitary sewer, manholes, and restoration,
behind 3625 SW 34th 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 Wednesday, October 1, 2008 and fully complete said work not later than October 10, 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 Co.
Bidder Name
By [Signature] 9/26/2008
Signature Date
Chris Burkhardt Vice-President
Printed Name and Title
12245 DAKOTA STREET
Street Address
CARLISLE, IOWA 50047
City, State - Zip Code
515-282-8455
Telephone Number
DUMÉ 314-2050

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.

CONTRACT ATTACHMENT: ITEM 2 - BID ITEMS, QUANTITIES AND PRICES: 1 of 1

THIS CONTRACT IS AWARDED AND EXECUTED FOR COMPLETION OF THE WORK SPECIFIED IN THE CONTRACT DOCUMENTS FOR THE BID PRICE TABULATED BELOW AS PROPOSED BY THE CONTRACTOR IN ITS PROPOSAL SUBMITTED IN ACCORDANCE WITH NOTICE TO BIDDERS AND NOTICE OF PUBLIC HEARING. ALL QUANTITIES ARE SUBJECT TO REVISION BY THE JURISDICTION. QUANTITY CHANGES WHICH AMOUNT TO TWENTY (20) PERCENT OR LESS OF THE AMOUNT BID SHALL NOT AFFECT THE UNIT BID PRICE OF THAT ITEM.

ACTIVITY ID 07-2009-002

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>UNITS</u>	<u>ESTIMATED QUANTITY</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
1	SEWER REALIGNMENT, 12" SANI.	LS	1.00	36,200.00	36,200.00
2	RESTORATION	LS	1.00	10,000.00	10,000.00

ATTN: JEFF HANSEN

The Underground Company
12245 DAKOTA ST.
CARLISLE, IOWA 50047

TOTAL CONSTRUCTION COST

46,200.00

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.

Proposal for Performance of 3625 SW 34th Street Emergency Sanitary Sewer Repair (Page 1 of 1)

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Realignment of approximately 100 LF of 12" sanitary sewer, manholes, and restoration, behind 3625 SW 34th Street, Des Moines, Iowa.

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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 Wednesday, October 1, 2008 and fully complete said work not later than October 10, 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 54th Ave.
Street Address

By Jamie Crubaugh 9/26/08
Signature Date

Grimes IA 50111
City, State - Zip Code

Jamie Crubaugh, 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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CONTRACT ATTACHMENT: ITEM 2 - BID ITEMS, QUANTITIES AND PRICES: 1 of 1

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ACTIVITY ID 07-2009-002

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1	SEWER REALIGNMENT, 12" SANI.	LS	1.00	\$ 39,000. ⁰⁰	\$ 39,000. ⁰⁰
2	RESTORATION	LS	1.00	\$ 8,000. ⁰⁰	\$ 8,000. ⁰⁰

TOTAL CONSTRUCTION COST \$ 47,000.⁰⁰

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.

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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

CURELL CONTRACTOR, INC.
 Bidder Name

By [Signature] 9/25/08
 Signature Date

Grant S. Cordell, President
 Printed Name and Title

1300 LINCOLN ST.
 Street Address

WDM, IA 50265
 City, State -- Zip Code

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.

8

CONTRACT ATTACHMENT: ITEM 2 - BID ITEMS, QUANTITIES AND PRICES: 1 of 1

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ACTIVITY ID 07-2009-002

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>UNITS</u>	<u>ESTIMATED QUANTITY</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
1	SEWER REALIGNMENT, 12" SANI.	LS	1.00	\$ 75,443.-	\$ 75,443.-
2	RESTORATION	LS	1.00	\$ 12,500.-	\$ 12,500.-

TOTAL CONSTRUCTION COST \$ 87,943.-

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.

8



ENGINEERS & PLANNERS

SNYDER & ASSOCIATES

ANKENY, IA (515) 964-2020	ATLANTIC, IA (712) 243-6505	CEDAR RAPIDS, IA (319) 362-9394	COUNCIL BLUFFS, IA (712) 322-3202	MARYVILLE, MO (660) 582-8888	ST. JOSEPH, MO (816) 364-5222
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September 25, 2008

Mr. Jeb E. Brewer, P.E., City Engineer
City Hall, 2nd Floor
400 Robert D. Ray Drive
Des Moines, IA 50309

RE: SEWER FAILURE
3625 SW 34TH STREET

Dear Mr. Brewer:

In accordance with the request of Ron De Groot of your office on September 25, 2008, we have investigated a failure of the sewer near 3625 SW 34th Street. The failure is located on a 12" sanitary sewer between SW 34th Street and SW 33rd Street.

It is reported that flow in this sewer has ceased due to the collapse of the pipe. City of Des Moines Public Works Staff is currently attempting to regain flow in the sewer or bypass pumping will be required to prevent sewer backup into adjacent homes.

Based on our investigation, we are of the opinion that this failure constitutes an emergency and remedial measures should be undertaken as soon as possible. If not addressed promptly, the sewer collapse will likely result in the backup of flow into adjacent homes and additional damage to the existing sewer which will constitute a safety hazard and further repair costs.

Sincerely,

SNYDER & ASSOCIATES, INC.

Mark A. Land, P.E.

MAL:ael

Cc: Ron De Groot, City of Des Moines
Darwin Larson, City of Des Moines
Jay Bennett, City of Des Moines
Dave Miller, City of Des Moines