



Roll Call Number

08-1273

Agenda Item Number

75

Date July 14, 2008

APPROVAL OF EMERGENCY PROCEEDINGS AT VARIOUS LOCATIONS FOR EMERGENCY REPAIRS AND APPROVAL OF EMERGENCY PURCHASE ORDERS WITH THE LOWEST RESPONSIBLE BIDDER

WHEREAS, recent flooding on the Des Moines and Raccoon Rivers and heavy local rains resulting in surcharge of the sanitary and storm sewers have caused damage to the public improvements as listed below.

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, local private contractors were contacted for their services, said contractors and asked to submit bids for the repair work, 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.

WHEREAS, H.R. Veenstra, Jr., P.E., of Veenstra & Kimm has inspected the sites and has recommended in the attached letters that emergency repair actions be taken.

WHEREAS, on Monday, June 9, 2008, the City Manager declared an operating emergency related to the anticipated flooding in the City of Des Moines and departments were authorized under Section 2-709 (b) (Public and Operating Emergencies) Municipal Code of the City of Des Moines to procure in the open market, without filing a requisition, purchase order, or request for proposals or estimate therefore and without advertisement, any goods and/or services that could have not been reasonably foreseen or anticipated, for immediate delivery or furnishing to meet such operating emergency when necessary. Goods and services should be acquired using normal procedures when feasible.

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 emergency repairs to the following public improvements 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

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City Council hereby makes a finding that the emergency repairs were necessary in accordance with Subsection 384.103(2) of the Code of Iowa for the following work:

- 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 5th 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.
- 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.
- SE 6th & Jackson Storm Sewer Repair: Activity ID 14-2008-069: This work includes the spot repair of the 24" storm sewer and street repair. The 24" storm sewer cross run has failed under SE 6th at Jackson resulting in a sinkhole that has caused a portion of the street to settle. The cross run has settled over the sanitary sewer; therefore, the sanitary sewer may have failed which caused damage to the storm sewer and street. The bid includes repair of the street, storm and sanitary sewer. The contractor will be required to dewater the work area before commencing the sewer repairs.
- 800 Block of Boyd Street Sanitary Sewer Repair: Activity ID 14-2008-070: This work includes the repair of the 12" sanitary sewer collapse in the 800 Block of Boyd Street and repair the street. This is the second repair in this area. Purchase Order Number 21185 was for a sanitary sewer repair of a collapse near E 9th and Boyd Street. After this repair was made, the sanitary sewer still did not function and the sewer in the 800 block was televised in an attempt to find the problem. The televising identified additional areas of failure in the 800 Block of Boyd Street that were not as apparent as the initial failure; however, the sewer has failed and needed repair.
- Robert D. Ray Drive Sanitary Sewer Repair: Activity ID 14-2008-072: This work includes the spot repair of the 48" brick sanitary sewer and street repair. The 48" brick sanitary sewer has failed under Robert D. Ray Drive approximately 500 feet north of the Armory resulting in a sinkhole that has caused a portion of the street to collapse into the sinkhole. The contractor will be required to dewater the work area before commencing the sanitary sewer repair, and supply by-pass pumping of the sanitary sewer flow until the repair is completed.
- SE 14th Street and E Park Avenue Sanitary Sewer Repair: Activity ID 14-2008-074: This work shall include the repair of a 30" sanitary sewer located east of SE 14th Street and south of E Park Avenue behind the Hy-Vee Store in an open drainageway downstream from a 66" storm sewer outlet. The sanitary sewer has been washed out by the recent high storm water flows and was overflowing into the drainageway causing a sanitary sewer overflow condition. Bypass pumping has been initiated to eliminate the sanitary sewer overflow. The bypass pumping will need to continue until repairs to the sanitary sewer can be completed on an emergency basis.

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BE IT FURTHER RESOLVED: That the City Council approves, ratifies, and confirms the actions of the Procurement Administrator to issue purchase orders to the following contractors for the referenced work:

- SE 5th & Livingston Storm Sewer Repair: Activity ID 14-2008-066: AND SE 8th & Van Buren Storm Sewer Repair: Activity ID 14-2008-068: The work at these two locations was combined for bidding purposes because the two repairs are in the same area and are similar work. Three bids were received on June 26th for the work being:

- \$145,000.00 from Van Hauen & Associates.
- \$225,111.00 from Corell Contractor Inc.
- \$455,400.00 from The Underground Company.

Purchase Order No. 21346 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. Based on unit bid prices, the breakdown for each location is as follows:

- \$68,750.00 for SE 5th & Livingston Storm Sewer Repair: Activity ID 14-2008-066.
- \$76,250.00 for SE 8th & Van Buren Storm Sewer Repair: Activity ID 14-2008-068.

- SE 6th & Jackson Storm Sewer Repair: Activity ID 14-2008-069: Three bids were received on June 27th for the work being:

- \$81,735.00 from Corell Contractor Inc.
- \$118,890.00 from The Underground Company.
- \$145,000.00 from Van Hauen & Associates.

Purchase Order No. 21368 was issued to Corell Contractor Inc., Grant S. Corell, President, 1300 Lincoln Street, West Des Moines, IA 50265 in the amount of \$81,735.00.

- 800 Block of Boyd Street Sanitary Sewer Repair: Activity ID 14-2008-070: Three bids were received on June 25th for the work being:

- \$53,100.00 from The Underground Company, Ltd.
- \$97,000.00 from Van Hauen & Associates, Inc
- \$100,000.00 from Corell Contractor Inc

Purchase Order No. 21284 was issued to The Underground Company, Ltd., Duane Burkhardt, President, 12245 Dakota Street, Carlisle, IA 50047 in the amount of \$53,100.00.

- Robert D. Ray Drive Sanitary Sewer Repair: Activity ID 14-2008-072: Three bids were received on July 1, 2008 for the work being:

- \$134,000.00 from Van Hauen & Associates.
- \$217,200.00 from The Underground Company.
- \$349,500.00 from Corell Contractor Inc

Purchase Order No. 21391 was issued to Van Hauen & Associates, Mark Van Hauen, CEO/Vice President, 13185 Pineview Drive, Clive, IA 50325 in the amount of \$134,000.00.

- SE 14th Street and E Park Avenue Sanitary Sewer Repair: Activity ID 14-2008-074: Two bids were received on July 2, 2008 for the work being:

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- \$65,000.00 from The Underground Company.
- \$97,000.00 from Van Hauen & Associates.

Purchase Order No. 21445 was issued to The Underground Company in the amount of \$65,000.00.

(Council Communication Number 08-410 is attached)

Moved by Vlassis to adopt.

FORM APPROVED: Kathleen Vanderpool
 Kathleen Vanderpool
 Deputy City Attorney

Ⓜ Funding Source: 2008-089 Operating Budget, SP854, ENG982008, OPR 178, 2008 Storms Mitigation/Recovery

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | ✓ | | | |
| COLEMAN | ✓ | | | |
| HENSLEY | ✓ | | | |
| KIERNAN | ✓ | | | |
| MAHAFFEY | ✓ | | | |
| MEYER | ✓ | | | |
| VLASSIS | ✓ | | | |
| TOTAL | 7 | | | |

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
T. M. Franklin Mayor

Diane Rauh City Clerk