



Roll Call Number

08-1439

Agenda Item Number

33

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.



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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.

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(Council Communication Number 08.475 is attached)

Moved by Hensley to adopt.

FORM APPROVED:

FUNDS AVAILABLE

Kathleen Vanderpool
Kathleen Vanderpool,
Deputy City Attorney

Allen McKinley
Allen McKinley
Des Moines Finance Director

Ⓜ 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	7			
MOTION CARRIED	APPROVED			

T. M. Franklin 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.

Diane Rauh City Clerk