



Roll Call Number

08-1543

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 5th 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.



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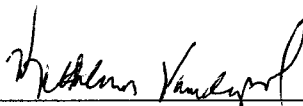
Date August 25, 2008

(Council Communication Number 08-511 is attached)

Moved by Vlassis to adopt.

FORM APPROVED:

FUNDS AVAILABLE



Kathleen Vanderpool,
Deputy City Attorney



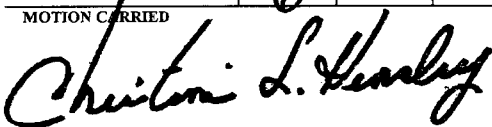
Allen McKinley
Des Moines Finance Director

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	6			1

MOTION CARRIED

APPROVED



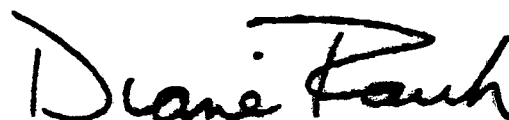
Mayor

MAYOR PRO TEM

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