

★ **Roll Call Number**

08-1571

Agenda Item Number

8

DATE September 8, 2008

**APPROVING CHANGE ORDER NO. 1 TO PURCHASE ORDER NO. 21391 FOR AN
ADDITIONAL \$84,176.25, ACCEPTING COMPLETED CONSTRUCTION, AND
APPROVING FINAL PAYMENT FOR ROBERT D. RAY DRIVE SANITARY SEWER
REPAIR, VAN HAUEN & ASSOCIATES**

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. 21391 which 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 for the Robert D. Ray Drive Sanitary Sewer Repair: Activity ID 14-2008-072. This work included the emergency 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, and

Whereas, during the repair work Van Hauen & Associates discovered that the 48" brick sanitary sewer was full of dirt and debris downstream of the location of the repair, which needed to be removed; however the cleaning was not included in the original repair. Since this was an emergency repair, the City Engineer authorized Van Hauen & Associates to clean the 48" sanitary sewer and continue the 24-hour-per-day by-pass pumping of the sanitary sewer flow until the cleaning operation of the obstructed section of the sanitary sewer was completed, and

Whereas, Van Hauen & Associates has submitted an invoice requesting the following adjustments to the purchase order:

- An additional \$17,407.90 for the 24-hour-per-day by-pass pumping operations and plus \$53,078.35 for sewer cleaning operations by Hydro Klean, 333 N.W. 49th Place, Des Moines, IA, for an additional \$70,486.25.
- An additional \$17,900.00 for additional pavement removal and replacement, along with \$2,790.00 for sidewalk removal and replacement for an additional \$20,690.00, which was required due to the size of the excavation necessary to make the repairs.
- A deduct of \$7,000.00 for 50 L.F. of 48" Sanitary Sewer Repair included in the purchase order that was not used during the repair.

The above three items total an additional \$84,176.25, and

Whereas, the City Engineer recommends that the City Council approve an additional \$84,176.25 for said emergency work, and direct the Procurement Administrator to issue a change order in the amount of \$84,176.25.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the City Council hereby approves an additional \$84,176.25 for said emergency work associated with the Robert D. Ray Drive Sanitary Sewer Repair: Activity ID 14-2008-072, and hereby directs the Procurement Administrator to issue Change Order No. 1 to Purchase Order No. 21391 in the amount of \$84,176.25.

BE IT FURTHER RESOLVED: That the attached report of the Jurisdictional Engineer, showing the cost of the construction of the Robert D. Ray Drive Sanitary Sewer Repair: Activity ID 14-2008-072, in accordance with Purchase Order Number 21391 approved between to 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.

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BE IT FURTHER RESOLVED: That \$218,176.25 is the total cost, of which \$127,300.00 has been paid the Contractor, and \$79,967.44 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$10,908.81 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.

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.

BE IT FURTHER RESOLVED: That the Des Moines Finance Director be and is hereby authorized to release said retainage if suit is not filed as above provided.

Moved by Vlassis to adopt.

FORM APPROVED:

Kathleen Vanderpool
 Kathleen Vanderpool
 Deputy City Attorney

FUNDS AVAILABLE

Allen McKinley RCB
 Allen McKinley
 Des Moines Finance Director

Funding Source: 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	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 Council Mayor

Diane Rauh City Clerk