



Roll Call Number

08-1731

Agenda Item Number

8

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.



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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.

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(Council Communication Number 08-611 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 Sanitary-5, City-wide Sanitary Sewers, SAE054,
Sanitary Sewer Funds

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
Y. M. Franklin Mayor

Diane Rauh City Clerk