

★ **Roll Call Number**

08-1739

**Agenda Item Number**

16

DATE October 13, 2008

**ACCEPTING COMPLETED CONSTRUCTION, APPROVING CHANGE ORDER NO. 1,  
AND APPROVING FINAL PAYMENT REGARDING PURCHASE ORDER NO. 21445  
FOR THE SE 14<sup>TH</sup> STREET AND E PARK AVENUE EMERGENCY SANITARY  
SEWER REPAIR, THE UNDERGROUND COMPANY, LTD.**

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. 21445 which was issued to The Underground Company, Ltd., Duane Burkhardt, President, 12245 Dakota Street, Carlisle, Iowa, 50047, in the amount of \$65,000.00 for the SE 14<sup>th</sup> Street and E Park Avenue Emergency Sanitary Sewer Repair: Activity ID 14-2008-074. This work includes the repair of a 30" sanitary sewer located east of SE 14<sup>th</sup> 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 was washed out by the high storm water flows and was overflowing into the drainageway causing a sanitary sewer overflow condition. Bypass pumping was initiated to eliminate the sanitary sewer overflow. The bypass pumping needed to continue until repairs to the sanitary sewer were completed on an emergency basis, and

Whereas, during the construction of the sanitary sewer repair work The Underground Company, Ltd., discovered that the damage to the sanitary sewer was more extensive than Staff had originally estimated, and the scope of the repair work needed to be revised as discussed in the attached Council Communication; and the City Engineer recommends that the City Council approve an additional \$19,706.75 for said emergency work, and direct the Procurement Administrator to issue a change order in the amount of \$19,706.75.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the attached report of the Jurisdictional Engineer, showing the cost of the construction of the SE 14<sup>th</sup> Street and E Park Avenue Emergency Sanitary Sewer Repair: Activity ID 14-2008-074, in accordance with Purchase Order Number 21445 approved between The Underground Company, Ltd., Duane Burkhardt, President, 12245 Dakota Street, Carlisle, Iowa, 50047, 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.

BE IT FURTHER RESOLVED: That the City Council hereby approves an additional \$19,706.75 for said emergency work associated with SE 14<sup>th</sup> Street and E Park Avenue Emergency Sanitary Sewer Repair: Activity ID 14-2008-074, as detailed in the attached Council Communication, and hereby directs the Procurement Administrator to issue Change Order No. 1 to Purchase Order No. 21445 in the amount of \$19,706.75.

BE IT FURTHER RESOLVED: That \$84,706.75 is the total cost of Purchase Order No 21445, of which \$61,750.00 has been paid the Contractor, and \$18,721.41 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$4,235.34 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.

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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.

(Council Communication Number 08614 attached)

Moved by Hensley to adopt.

FORM APPROVED:

Kathleen Vanderpool

Kathleen Vanderpool  
Deputy City Attorney

FUNDS AVAILABLE

Allen McKinley BB

Allen McKinley  
Des Moines Finance Director

Funding Source: Anticipated to be no City Cost for this emergency repair work with funding anticipated to be 90% FEMA and 10% State funds, 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			

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