

★ Roll Call Number

08-1740

Agenda Item Number

17

DATE October 13, 2008

**ACCEPTING COMPLETED CONSTRUCTION, APPROVING CHANGE ORDER NO. 1,
AND APPROVING FINAL PAYMENT REGARDING PURCHASE ORDER NO. 21102
FOR THE EMERGENCY EARTH BERM CONSTRUCTION AROUND THE
STORM SEWER MANHOLE AT THE LEVEE NEAR SW 5TH STREET
NORTH OF THE RACCOON RIVER, MCANINCH CORPORATION**

Whereas, on June 14, 2008, the City Procurement Administrator issued Purchase Order No. 21102 to McAninch Corporation, Douglas D. McAninch, President, 6800 Lake Drive, Suite 125, West Des Moines, IA 50266 in the amount of \$50,000.00 for the construction of the Emergency Earth Berm Construction around the Storm Sewer Manhole at the levee near SW 5th Street North of the Raccoon River: Activity ID 14-2008-054. This work included the construction an emergency earthen berm around a storm sewer manhole near SW 5th Street north of the Raccoon River on the dry side of the levee. The stormwater system was surcharged due to elevation of the river and stormwater was discharging from the sewer flooding the area. Staff determined that this was an emergency and it was necessary to begin work immediately. Construction of this berm was time critical because storm water and river water were flooding the area and continued flooding could cause erosion of the levee and potentially failure of the levee. Staff directed McAninch Corporation to begin the emergency repair work immediately on a time and material cost basis without bids because McAninch Corporation had a crew and equipment in the area working on private construction and other contractors were busy working on other flooding emergencies and did not have crews and equipment available to mobilize, and

Whereas, during the flooding emergency in the early morning of June 15th, Public Works Staff notified Engineering Staff of a sanitary sewer failure that was causing a sinkhole near the levee at SE 4th on the north side of the Des Moines River. This sinkhole was threatening the integrity of the levee, so McAninch Corporation was again was directed to begin constructing the earthen berm around the sinkhole to prevent failure of the levee. Later that morning, Public Works Staff again notified Engineering Staff of another failure on this sanitary sewer which was also causing levee problems at SE 7th on the north side of the Des Moines River. Due to the imminent nature of the repair needed at SE 7th, McAninch was directed to move equipment from SE 4th to immediately make repair. The scope of this emergency work is discussed in the attached Council Communication.

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 Emergency Earth Berm at Levee around Storm Manhole SW 5th Street North of the Raccoon River: Activity ID 14-2008-054, in accordance with Purchase Order Number 21102 approved between to McAninch Corporation, Douglas D. McAninch, President, 6800 Lake Drive, Suite 125, West Des Moines, IA 50266, 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 \$45,548.25 for said emergency work associated with flooding emergency as detailed in the attached Council Communication, and hereby directs the Procurement Administrator to issue Change Order No. 1 to Purchase Order No. 21102 in the amount of \$45,548.25.

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BE IT FURTHER RESOLVED: That \$95,548.25 is the total cost of Purchase Order No 21102, of which \$50,000.00 has been paid the Contractor, and \$45,548.25 is now due and is hereby approved as final partial payment.

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.

(Council Communication Number 08-617 attached)

Moved by Hensley to adopt.

FORM APPROVED:

Kathleen Vanderpool

Deputy City Attorney

FUNDS AVAILABLE

Allen McKinley

Des Moines Finance Director

Funding Source: Anticipate \$0 City Cost for this emergency repair with anticipated funding 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	✓			
VLISSIS	✓			
TOTAL	7			

T. M. Franklin Council 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