

★ Roll Call Number

Agenda Item Number

08-1741

18

DATE October 13, 2008

**ACCEPTING COMPLETED CONSTRUCTION, APPROVING CHANGE ORDER NO. 1,
AND APPROVING FINAL PAYMENT REGARDING PURCHASE ORDER NO. 21107
FOR THE SE 6TH STREET SOUTH OF THE DES MOINES RIVER
EMERGENCY STORM SEWER REPAIR, VAN HAUEN & ASSOCIATES**

Whereas, on June 23, 2008, under Roll Call 08-1148, 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. 21107 which was issued to Van Hauen & Associates, Mark Van Hauen, CEO/Vice President, 13185 Pineview Drive, Clive, IA 50325 in the amount of \$50,000.00 for the SE 6th Street South of the Des Moines River Emergency Storm Sewer Repair: Activity ID 14-2008-055. This work included the emergency spot repair of the storm sewer failure on SE 6th Street south of the Des Moines River Bridge which caused SE 6th Street to collapse and be closed. The closure of S.E. 6th Street and partial closure of South Union Street impacted two major north/south arterials on the City's south side. Staff determined that this was an emergency and it was necessary to begin work on the repair immediately. The loss of this critical arterial street would impact emergency response. The repair was also time critical as continued loss of soil into the failed storm sewer would create additional street damage and ultimately increase repair expense. Staff directed Van Hauen & Associates, Inc. to begin the emergency repair work immediately on a time and material cost basis without bids because Van Hauen & Associates, Inc. had the necessary dewatering equipment, experience working with difficult soil conditions, and had crews and equipment available to mobilize, and

Whereas, during the construction of the repair work Van Hauen & Associates discovered that the damage to the storm 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 \$189,599.03 for said emergency work, and direct the Procurement Administrator to issue a change order in the amount of \$189,599.03.

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 6th Street South of the Des Moines River Emergency Storm Sewer Repair: Activity ID 14-2008-055, in accordance with Purchase Order Number 21107 approved between to Van Hauen & Associates, Mark Van Hauen, CEO/Vice President, 13185 Pineview Drive, Clive, IA 50325, under Roll Call No. 08-1148, of June 23, 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 \$189,599.03 for said emergency work associated with SE 6th Street South of the Des Moines River Emergency Storm Sewer Repair: Activity ID 14-2008-055, as detailed in the attached Council Communication, and hereby directs the Procurement Administrator to issue Change Order No. 1 to Purchase Order No. 21107 in the amount of \$189,599.03.

BE IT FURTHER RESOLVED: That \$239,599.03 is the total cost of Purchase Order No 21107, of which \$47,500.00 has been paid the Contractor, and \$180,119.08 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$11,979.95 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.

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 08-613 attached)

Moved by Hensley to adopt.

FORM APPROVED:

FUNDS AVAILABLE

Kathleen Vanderpool

Allen McKinley

Kathleen Vanderpool
Deputy City Attorney

Allen McKinley
Des Moines Finance Director

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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	✓			
VLAŠSIS	✓			
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