



Roll Call Number

09-480

Agenda Item Number

28

Date March 23, 2009

APPROVAL OF EMERGENCY PROCEEDINGS FOR THE 618 31ST STREET EMERGENCY
SANITARY SEWER REPAIR, RECEIVE AND FILE THE CITY MANAGER'S
EMERGENCY DECLARATION, AND APPROVE THE EMERGENCY CONTRACT WITH
THE LOWEST RESPONSIBLE BIDDER, CORELL CONTRACTOR, INC.,
GRANT S. CORELL, PRESIDENT, \$7,700.00

WHEREAS, Public Works crews discovered the apparent sanitary sewer failure the back yard of 618 31st Street. The investigation indicates that a sink hole has developed over the 84-inch Ingersoll Run Combined Sewer. Available information indicates that the sink hole is in very close proximity to the service connection for 618 31st Street. Sanitary sewage has backed-up into the basement of the home at 618 31st Street requiring pumping by Public Works crews.

WHEREAS, Engineering Staff was contacted on March 9, 2009 by Public Works Staff, and was requested to commence the repair by an emergency contract. Engineering Staff investigated the site, contacted potential bidders, provided bidding information, and received emergency bids on March 11, 2009.

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 March 11, 2009, from the following bidders:

- \$7,700.00 from Corell Contractor, Inc., West Des Moines, IA
- \$10,900.00 from The Underground Company, Ltd., Carlisle, IA
- \$15,000.00 from Van Hauen & Associates, Inc., Grimes, IA

for the 618 31st Street Emergency Sanitary Sewer, 07-2009-025, work described as furnishing all material, labor, and equipment necessary to complete the emergency sanitary sewer repair, which includes repair of the sanitary sewer and sewer service in the backyard at 618 31st 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.

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.



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WHEREAS, H. R. Veenstra, President, Veenstra & Kimm, Inc., 3000 Westown Parkway, West Des Moines, IA 50223, has inspected the site and has recommended in the attached letter that emergency repair action be taken.

WHEREAS, on March 10, 2009, the City Manager sent an e-mail to the Mayor and Council notifying them of the proposed emergency sewer repair project resulting from a sewer breakage at 618 31st Street, and advising that the emergency contract will be placed on the next regular agenda for approval, but as a practical matter the work will have already been completed.

WHEREAS, in the attached March 11, 2009 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 Corell Contractor, Inc., Grant S. Corell, President, 1300 Lincoln Street, West Des Moines, IA 50265, in the amount of \$7,700.00 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 618 31st Street Emergency Sanitary Sewer, 07-2009-025, work described as furnishing all material, labor, and equipment necessary to complete the emergency sanitary sewer repair, which includes repair of the sanitary sewer and sewer service in the backyard at 618 31st 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 \$7,700.00, executed by Corell Contractor, Inc., Grant S. Corell, President, 1300 Lincoln Street, West Des Moines, IA 50265, dated March 23, 2009, 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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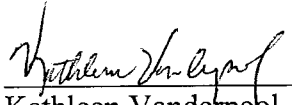
Date March 23, 2009

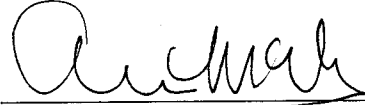
(Council Communication Number 09-179 is attached)

Moved by Hensley to adopt.

FORM APPROVED:

FUNDS AVAILABLE


Kathleen Vanderpool,
Deputy City Attorney


Allen McKinley
Des Moines Finance Director

Funding Source: 2009-2010 CIP, Page Sanitary-5, City-wide Sanitary Sewers, SAE054, being Sanitary Sewer Funds with 100% reimbursement from FEMA

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER				✓
VLASSIS	✓			
TOTAL	5			2

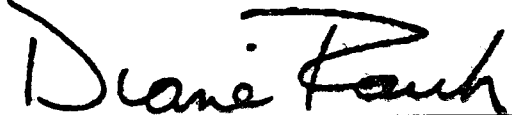
CERTIFICATE

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.


MAYOR PRO TEM

PROVED
Mayor


City Clerk