

Date April 9, 2007

EMERGENCY PROCEEDINGS FOR THE 7300 BLOCK OF S.W. 12th STREET
EMERGENCY SEWER REPAIR, RECEIVE AND FILE THE CITY MANAGER'S
EMERGENCY DECLARATION AND APPROVE EMERGENCY CONTRACT WITH
THE LOWEST RESPONSIBLE BIDDER, THE UNDERGROUND CO.,
DUANE BURKHARDT, PRESIDENT, \$64,500.00

WHEREAS, on March 26, 2007, the Public Works Department became aware of a collapsed 8" sanitary sewer in the 7300 block of S.W. 12th Street which was causing sanitary sewer backups; and

WHEREAS, the scope of the proposed emergency sewer repair required the services of a private contractor because of the urgent nature of the required repairs; and

WHEREAS, seven local private contractors were contacted for their services, and bids were received from four contractors as shown on the attached bid tabulation being:
Faxed quotes were received on March 27, 2007 (attached) being:

Rognes Corporation	\$53,435.00
The Underground Co.	\$64,500.00
McAninch Corp.	\$125,050.00
Van Hauen & Associates	\$129,900.00

The specifications given the bidders required the work be done according to the "Urban Standard Specifications for Public Improvements" ; and

WHEREAS, the City Engineer recommended acceptance of the lowest bid from Rognes Corporation in the amount of \$53,435.00; however, Warren Rognes, President of Rognes Corporation, notified the City Engineer that Rognes Corporation could not provide a Performance, Payment, and Payment Bond as required by the Proposal. Additionally, Section 573.2 of the Iowa Code requires that "Contracts for the construction of a public improvement shall, when the contract price equals or exceeds \$25,000, be accompanied by a bond, with surety, conditioned for the faithful performance of the contract . . ." Therefore, the City Engineer has recommended that the bid submitted by Rognes Corporation be declared non-responsible and be rejected; and

WHEREAS, the City Engineer further recommends that the bid submitted by The Underground Company in the amount of \$64,500.00 be accepted as the lowest responsive, responsible bid for this sewer repair; and

Date April 9, 2007

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.

WHEREAS, H.R. Veenstra, Jr., P.E., of Veenstra & Kimm has inspected the site and has recommended in the attached letter that emergency repair action be taken; and

WHEREAS, on March 27, 2007, the City Manager declared this 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 Co. in the amount of \$64,500.00 for City Council approval at the next available meeting (see attached memo).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the aforesaid action of the City Manager and the City Engineer, is hereby expressly approved, ratified, and confirmed.

BE IT FURTHER RESOLVED: That the bid submitted by Rognes Corporation in the amount of \$53,435.00 be and is hereby declared non-responsible and is rejected by the City Council.

BE IT FURTHER RESOLVED: That the Council makes a finding of necessity to institute emergency repairs under Subsection 384.103(2) of the Code of Iowa for the 8” sanitary sewer and associated structures in the 7300 block of S.W. 12th Street.

BE IT FURTHER RESOLVED: That the Mayor is hereby authorized and directed to execute a contract with The Underground Co. for emergency sanitary sewer repair identified as 7300 block of S.W. 12th Street Emergency Sewer Repair, Activity ID 07-2007-002, subject to receipt of the contract and certificate of insurance and approval of same by the City Legal Department.

★ Roll Call Number

Agenda Item Number
10


Date April 9, 2007

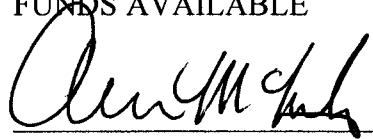
BE IT FURTHER RESOLVED: That the attached communication from said Contractor requesting permission to sublet designated items and the attached Permission to Sublet form, be and are hereby approved subject to each subcontractor's compliance with the City of Des Moines Contract Compliance Program. The City Manager is hereby directed to sign said Permission to Sublet form granting permission for said listed subcontractor to work on said improvement upon each subcontractor's compliance with the City of Des Moines Contract Compliance Program as monitored by the Engineering Department.

(Council Letter Number 07-188 attached)
Activity ID 07-2007-002

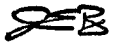
Moved by _____ to adopt.

FUNDS AVAILABLE

FORM APPROVED: 
Kathleen Vanderpool
Deputy City Attorney


Allen McKinley
Des Moines Finance Director

Funding Source: 2007-08 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				

MOTION CARRIED APPROVED

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.

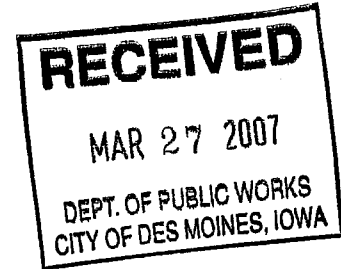
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk



March 26, 2007

Dave Miller
City of Des Moines
Public Works Department
3000 Vandalia Road
Des Moines, Iowa 50317



DES MOINES, IOWA
7308 SW 12TH STREET
SANITARY SEWER FAILURE

In accordance with your request of March 26, 2007 the writer has investigated a failure of the sanitary sewer in the vicinity of 7308 SW 12th Street.

The resident at 7308 SW 12th Street reported the sanitary sewer service was not functioning. The City of Des Moines attempted to televise the sewer to identify the issues relating to the service connection for 7308 SW 12th Street. Although the sanitary sewer appears to be flowing there are at least two areas in the sanitary sewer where the pipe is sufficiently damaged that it is not possible to televise the sewer to determine the scope of damage to the sanitary sewer.

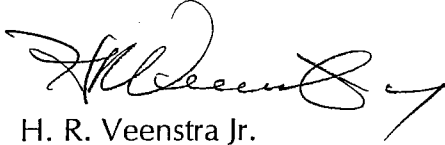
The City of Des Moines has determined that two spot repairs to the sanitary sewer are necessary in order to televise and assess the condition of the sanitary sewer. At the present time the residence at 7308 SW 12th Street does not have sanitary sewer service and the property is temporarily uninhabitable.

Based on our investigation we are of the opinion the failure of the sanitary sewer in the vicinity of 7308 SW 12th Street constitutes an emergency condition and the remedial spot repairs should be taken as soon as possible. The basis for this determination is the impact on the residence at 7308 SW 12th Street. The residence is not inhabitable as long as the current condition continues to exist. Time is of the essence in completing the spot repairs in order to determine the necessary follow-up steps to restore sanitary sewer service to 7308 SW 12th Street.

Dave Miller
March 26, 2007
Page 2

If you have any questions or comments concerning the project, please contact us at 225-8000.

VEENSTRA & KIMM, INC.



H. R. Veenstra Jr.

114273

CONTRACT

7300 Block of SW 12th Street Emergency Sewer Repair

(Page 1 of 1)

By submission of this proposal, Bidder hereby proposes to:

1. Perform all the above-described work in accordance with the latest revision of the Urban Standard Specifications for Public Improvements, and with this solicitation, as modified by the special provisions included in the contract documents entitled 7300 Block of SW 12th Street Emergency Sewer Repair, which hereby are a part of this proposal by reference.
2. Commence the above-described work on March 27, 2007, and fully complete said work by April 6, 2007; and to pay liquidated damages for noncompliance with said completion provisions in the amount of three hundred and no/100 dollars (\$300.00) for each working day thereafter, for the following price(s):

ITEM	DESCRIPTION	UNITS	QUAN TITY	UNIT PRICE	AMOUNT
1	SEWER SPOT REPAIR	EA	3	10,000.-	30,000.-
2	SERVICE, RECONNECT AT MAIN	EA	3	395.-	1,185.-
3	SERVICE, REPLACE, LENGTH UP TO 15'	EA	3	750.-	2,250.-
4	MOBILIZATION	JOB	1	18,000.-	18,000.-
5	SEWER CLEANING	JOB	1	1,000.-	1,000.-
6	SEWER TELEVISIONING	JOB	1	4,000.-	4,000.-
TOTAL CONSTRUCTION COST				\$	53,435.-

3. The total construction cost shall be used for comparison of proposals submitted by other bidders.
4. The low bidder will be required to submit a Performance Payment and Maintenance Bond on the City's standard form with a 4-year maintenance period.

Respectfully submitted

Rognes Corp
Bidder Name

2005 S Ankeny Blvd Ste 400
Street Address

By Warren Rognes 3-29-07
Signature Date

Ankeny Ia 50023
City, State - Zip Code

Warren Rognes Pres
Printed Name and Title

515-965-0030
Telephone Number

All Contractors shall provide their Contractor's Public Registration Number, issued by the Iowa Commissioner of Labor pursuant to Section 91C.5 of the Iowa Code.

Number 92960-04

7300 Block of SW 12th Street Emergency Sewer Repair

By submission of this proposal, Bidder hereby proposes to:

1. Perform all the above-described work in accordance with the latest revision of the Urban Standard Specifications for Public Improvements, and with this solicitation, as modified by the special provisions included in the contract documents entitled 7300 Block of SW 12th Street Emergency Sewer Repair, which hereby are a part of this proposal by reference.
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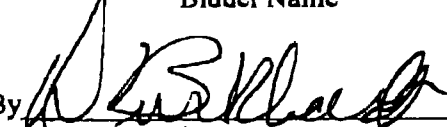
ITEM	DESCRIPTION	UNITS	QUANTITY	UNIT PRICE	AMOUNT
1	SEWER SPOT REPAIR	EA	3	<u>20,000.00</u>	<u>60,000.00</u>
2	SERVICE, RECONNECT AT MAIN	EA	3	<u>500.00</u>	<u>1,500.00</u>
3	SERVICE, REPLACE, LENGTH UP TO 15'	EA	3	<u>500.00</u>	<u>1,500.00</u>
4	MOBILIZATION	JOB	1	<u>500.00</u>	<u>500.00</u>
5	SEWER CLEANING	JOB	1	<u>500.00</u>	<u>500.00</u>
6	SEWER TELEVISIONING	JOB	1	<u>500.00</u>	<u>500.00</u>
TOTAL CONSTRUCTION COST					\$ 64,500.00

3. The total construction cost shall be used for comparison of proposals submitted by other bidders.
4. The low bidder will be required to submit a Performance Payment and Maintenance Bond on the City's standard form with a 4-year maintenance period.

Respectfully submitted

THE UNDERGROUND COMPANY, LTD.
Bidder Name

12245 DAKOTA STREET
Street Address

By  03-26-07
Signature Date

CARLISLE, IOWA 50047
City, State - Zip Code

DUANE BURKHARDT, PRESIDENT
Printed Name and Title

515-282-8455
Telephone Number

All Contractors shall provide their Contractor's Public Registration Number, issued by the Iowa Commissioner of Labor pursuant to Section 91C.5 of the Iowa Code.

Number 85880 - 05

CONTRACT

7300 Block of SW 12th Street Emergency Sewer Repair

(Page 1 of 1)

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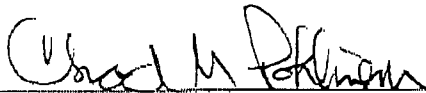
ITEM	DESCRIPTION	UNITS	QUAN TITY	UNIT PRICE	AMOUNT
1	SEWER SPOT REPAIR	EA	3	34,000.00	102,000.00
2	SERVICE, RECONNECT AT MAIN	EA	3	250.00	750.00
3	SERVICE, REPLACE, LENGTH UP TO 15'	EA	3	500.00	1,500.00
4	MOBILIZATION	JOB	1	20,000.00	20,000.00
5	SEWER CLEANING	JOB	1	300.00	300.00
6	SEWER TELEVISIONING	JOB	1	500.00	500.00
TOTAL CONSTRUCTION COST				\$125,050.00	

3. The total construction cost shall be used for comparison of proposals submitted by other bidders.
4. The low bidder will be required to submit a Performance Payment and Maintenance Bond on the City's standard form with a 4-year maintenance period.

Respectfully submitted

McAninch Corporation
Bidder Name

6800 Lake Drive, Ste. 125
Street Address

By  3/27/07
Signature Date

West Des Moines, IA 50266
City, State - Zip Code

Chad M. Pohlmeier, Vice President
Printed Name and Title

515/267-2500
Telephone Number

All Contractors shall provide their Contractor's Public Registration Number, issued by the Iowa Commissioner of Labor pursuant to Section 91C.5 of the Iowa Code.

Number 8 9 2 3 6 - 0 6

7300 Block of SW 12th Street Emergency Sewer Repair

By submission of this proposal, Bidder hereby proposes to:

1. Perform all the above-described work in accordance with the latest revision of the Urban Standard Specifications for Public Improvements, and with this solicitation, as modified by the special provisions included in the contract documents entitled 7300 Block of SW 12th Street Emergency Sewer Repair, which hereby are a part of this proposal by reference.
2. Commence the above-described work on March 27, 2007, and fully complete said work by April 6, 2007; and to pay liquidated damages for noncompliance with said completion provisions in the amount of three hundred and no/100 dollars (\$300.00) for each working day thereafter, for the following price(s):

ITEM	DESCRIPTION	UNITS	QUAN TITY	UNIT PRICE	AMOUNT
1	SEWER SPOT REPAIR	EA	3	30,000 ⁻	90,000 ⁰⁰
2	SERVICE, RECONNECT AT MAIN	EA	3	1,000 ⁻	3,000 ⁰⁰
3	SERVICE, REPLACE, LENGTH UP TO 15'	EA	3	3200 ⁻	9600 ⁰⁰
4	MOBILIZATION	JOB	1	24,900 ⁻	24,900 ⁰⁰
5	SEWER CLEANING	JOB	1	1200 ⁻	1200 ⁰⁰
6	SEWER TELEVISIONING	JOB	1	1200 ⁻	1200 ⁰⁰
TOTAL CONSTRUCTION COST					129,900 ⁰⁰

3. The total construction cost shall be used for comparison of proposals submitted by other bidders.
4. The low bidder will be required to submit a Performance Payment and Maintenance Bond on the City's standard form with a 4-year maintenance period.

Respectfully submitted

VAN HANEN & ASSOCIATES
Bidder Name

13185 PINEVIEW DRIVE
Street Address

By Glen Franck 26 MAR 2007
Signature Date

CLIVE IOWA 50325
City, State - Zip Code

Glen Franck
Printed Name and Title

515-223-6234
Telephone Number

All Contractors shall provide their Contractor's Public Registration Number, issued by the Iowa Commissioner of Labor pursuant to Section 91C.5 of the Iowa Code.

TABULATED BY: HANSEN
CHECKED BY: *[Signature]*

APPROVED BY: *[Signature]*

CONTRACTOR'S BID TABULATION

PROJECT: 7300 BLOCK OF SW 12TH ST EMERGENCY SEWER REPAIR

ESTIMATE

ITEM	DESCRIPTION	QUANTITY	UNIT PRICE		AMOUNT		BID PRICE	UNIT PRICE	AMOUNT	BID PRICE	UNIT PRICE	AMOUNT
			PRICE	PRICE	PRICE	PRICE						
1	SEWER SPOT REPAIR	3 EA	\$12,000.00		\$36,000.00							
2	SERVICE, RECONNECT AT MAIN	3 EA	\$500.00		\$1,500.00							
3	SERVICE, REPLACE, LENGTH UP TO 15'	3 EA	\$1,000.00		\$3,000.00							
4	MOBILIZATION	1 JOB	\$20,000.00		\$20,000.00							
5	SEWER CLEANING	1 JOB	\$1,000.00		\$1,000.00							
6	SEWER TELEVISIONING	1 JOB	\$1,500.00		\$1,500.00							
TOTAL CONSTRUCTION COST					\$63,000.00							
PERCENT OF ENGINEER'S ESTIMATE												

ROGNES CORP
ANKENY, IA

UNDERGROUND CO.
CARLISLE, IA

MC ANINCH CORP
W. DES MOINES

BID REJECTED. BIDDER
COULD NOT OBTAIN
PERFORMANCE, PAYMENT, AND
MAINTENANCE BOND.

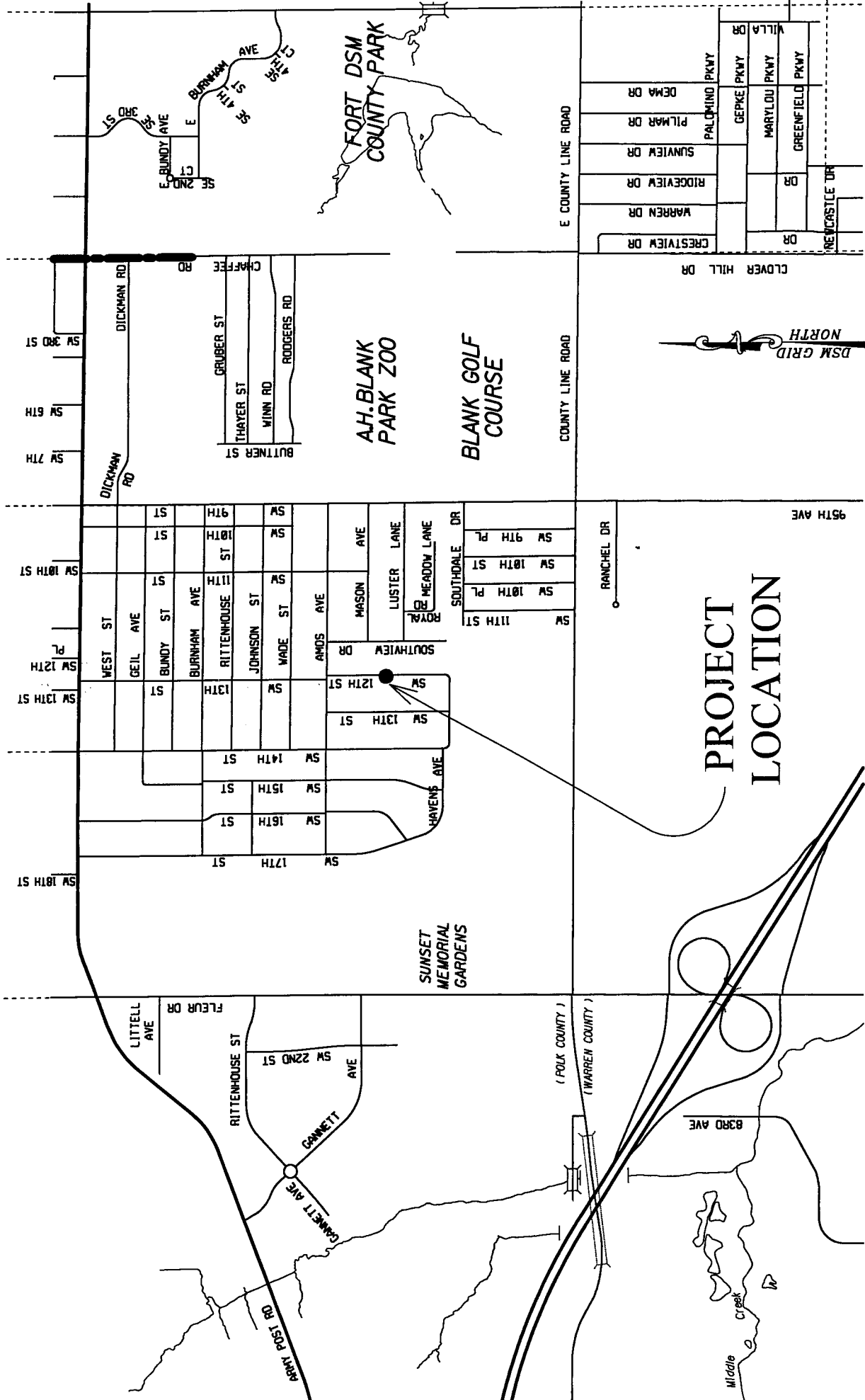
TABULATED BY: HANSEN
CHECKED BY: *[Signature]*
APPROVED BY: *[Signature]*

CONTRACTOR'S BID TABULATION
PROJECT: 7300 BLOCK OF SW 12TH ST EMERGENCY SEWER REPAIR

VAN HAUEN & ASSOC.
CLIVE, IA

ESTIMATE

ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT	BID PRICE		BID PRICE	
					UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	SEWER SPOT REPAIR	3 EA	\$12,000.00	\$36,000.00	\$30,000.00	\$90,000.00	\$30,000.00	\$90,000.00
2	SERVICE, RECONNECT AT MAIN	3 EA	\$500.00	\$1,500.00	\$1,000.00	\$3,000.00	\$1,000.00	\$3,000.00
3	SERVICE, REPLACE, LENGTH UP TO 15'	3 EA	\$1,000.00	\$3,000.00	\$3,200.00	\$9,600.00	\$3,200.00	\$9,600.00
4	MOBILIZATION	1 JOB	\$20,000.00	\$20,000.00	\$24,900.00	\$24,900.00	\$24,900.00	\$24,900.00
5	SEWER CLEANING	1 JOB	\$1,000.00	\$1,000.00	\$1,200.00	\$1,200.00	\$1,200.00	\$1,200.00
6	SEWER TELEVISIONING	1 JOB	\$1,500.00	\$1,500.00	\$1,200.00	\$1,200.00	\$1,200.00	\$1,200.00
TOTAL CONSTRUCTION COST				\$63,000.00		\$129,900.00		\$129,900.00
PERCENT OF ENGINEER'S ESTIMATE								+106.19%



7300 BLOCK OF SW 12TH ST EMERGENCY SEWER REPAIR

ACTIVITY ID 07-2007-002