

★ Roll Call Number

08-1148

Agenda Item Number

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Date June 23, 2008

APPROVAL OF EMERGENCY PROCEEDINGS AT VARIOUS LOCATIONS FOR
EMERGENCY REPAIRS AND APPROVAL OF EMERGENCY PURCHASE ORDERS
WITH THE LOWEST RESPONSIBLE BIDDER

WHEREAS, recent flooding on the Des Moines and Raccoon Rivers and heavy local rains resulting in surcharge of the sanitary and storm sewers have caused damage to the following public improvements :

- Sanitary Sewer collapse in the area of South Union Street and Kirkwood Avenue which caused closure of one lane on South Union and requires 24-hour per day bypass pumping by Public Works.
- Storm Sewer break on SE 6th Street south of the Des Moines River Bridge which caused SE 6th Street to collapse and be closed.
- Birdland Levee failure north of New York Avenue requiring the breach to be filled and pile driven to restore levee protection for the area
- Sanitary Sewer collapse on Boyd Street near E 9th Street resulting in a partial closure of Boyd Street and requires 24-hour per day bypass pumping by Public Works.

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

WHEREAS, the delay of advertising and a public letting might cause serious loss or injury to the city; and

WHEREAS, local private contractors were contacted for their services, said contractors were asked to submit bids for the repair work, and

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 sites and has recommended in the attached letter that emergency repair actions be taken.



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WHEREAS, on Monday, June 9, 2008, the City Manager declared an operating emergency related to the anticipated flooding in the City of Des Moines and departments were authorized under Section 2-709 (b) (Public and Operating Emergencies) Municipal Code of the City of Des Moines to procure in the open market, without filing a requisition, purchase order, or request for proposals or estimate therefore and without advertisement, any goods and/or services that could have not been reasonably foreseen or anticipated, for immediate delivery or furnishing to meet such operating emergency when necessary. Goods and services should be acquired using normal procedures when feasible.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the City Council makes a finding that emergency repair was and is necessary and further makes a finding of necessity to institute emergency repairs under Subsection 384.103(2) of the Code of Iowa for the following work:

- Sanitary Sewer collapse in the area of South Union Street and Kirkwood Avenue which caused closure of one lane on South Union and requires 24-hour per day bypass pumping by Public Works.
- Storm Sewer break on SE 6th Street south of the Des Moines River Bridge which caused SE 6th Street to collapse and be closed.
- Birdland Levee failure north of New York Avenue requiring the breach to be filled and pile driven to restore levee protection for the area
- Sanitary Sewer collapse on Boyd Street near E 9th Street resulting in a partial closure of Boyd Street and requires 24-hour per day bypass pumping by Public Works.

BE IT FURTHER RESOLVED: That the Purchasing Agent is hereby authorized and directed to execute a purchase orders to the following contractors for the referenced work:

- The Underground Company, Ltd., Duane Burkhardt, President, 12245 Dakota Street, Carlisle, IA 50047 in the amount of \$29,500 to repair the Sanitary Sewer collapse in the area of South Union Street and Kirkwood Avenue which caused closure of one lane on South Union and requires 24-hour per day bypass pumping by Public Works. Two bids were received with the second bid from Van Hauen & Associates, Inc., Mark Van Hauen, CEO/Vice President, 13185 Pineview Drive, Clive, IA 50325 in the amount of \$49,000.
- Van Hauen & Associates, Inc., Mark Van Hauen, CEO/Vice President, 13185 Pineview Drive, Clive, IA 50325 in the estimated amount of \$50,000 to repair the Storm Sewer break on SE 6th Street south of the Des Moines River Bridge which caused SE 6th Street to collapse and be closed. The closure of SE 6th Street south of the Des Moines River Bridge closed a major north/south arterial and Staff determined that it was a traffic emergency to get the street reopened as soon as possible, so bids were not received. Staff directed Van Hauen and Associates to begin the work immediately.
- Cramer and Associates, Inc., Robert Cramer, 5600 Brookside Drive, Grimes, IA 50111 in the estimated amount of \$500,000 to restore the Birdland Levee that failed north of New York Avenue by filling the breach and driving pile to restore levee protection for the

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area. This levee breach needed to be repaired as soon as possible to prevent flooding and restore the levee protection to the Birdland area. Staff determined that the this work was an emergency and began negotiations with Cramer and Associates, Inc. because the repair would require 40 foot-long steel pile to be driven for 175' to close the breach. Cramer had equipment in the area and is capable of driving the necessary pile. Because of the emergency nature of this repair, Cramer was directed to begin the work immediately.

- The Underground Company, Ltd., Duane Burkhardt, President, 12245 Dakota Street, Carlisle, IA 50047 in the amount of \$39,500 to repair the Sanitary Sewer collapse on Boyd Street near E 9th Street resulting in a partial closure of Boyd Street and requires 24-hour per day bypass pumping by Public Works. Two bids were received with the second bid from Van Hauen & Associates, Inc., Mark Van Hauen, CEO/Vice President, 13185 Pineview Drive, Clive, IA 50325 in the amount of \$76,000.

BE IT FURTHER RESOLVED: That the actions of the City Manager, City Engineer and Purchasing Agent as aforementioned are approved, ratified and confirmed.

Moved by Kiernan to adopt.

FORM APPROVED: Kathleen Vanderpool
 Kathleen Vanderpool
 Deputy City Attorney

Funding Source: 2007-08 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				

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.

T. M. Franklin Mayor

Diane Rauh City Clerk