

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



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Meeting Minutes

Monday, November 21, 2016

10:00 AM

SPECIAL MEETING

BOCC Meeting Room

Board of Sedgwick County Commissioners

Pursuant to Resolution #007-2016, adopted by the Board of County Commissioners on January 20, 2016, members of the public are allowed to address the County Commission for a period of time limited to not more than five minutes or such time limits as may become necessary.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Sedgwick County, should contact the office of Crissy Magee, Sedgwick County ADA Coordinator, 510 N. Main, Suite 306, Wichita, Kansas 67203. Phone: 316-660-7056, TDD: Kansas Relay at 711 or 800-766-3777

Email: Crissy.Magee@sedgwick.gov, as soon as possible but no later than 48 hours before the scheduled event. Please include the name, location, date and time of the service or program, your contact information and the type of aid, service, or policy modification needed.

ORDER OF BUSINESS

CALL MEETING TO ORDER

ROLL CALL

The Clerk reported, after calling roll, that all Commissioners were present

Roll Call

A [16-771](#)

AMENDMENT TO THE 2016 CAPITAL IMPROVEMENT PROGRAM TO ADD A PROJECT TO RECONSTRUCT A BRIDGE ON 61ST ST. NORTH BETWEEN OLIVER AND WOODLAWN. B-499. DISTRICT 1.

Presented by: David C. Spears, P.E., Director of Public Works/County Engineer.

RECOMMENDED ACTION: Approve the CIP Amendment.

Mr. David Spears, Director, Public Works greeted the Commissioners and said, "I'm going to address items, both items A and B, the amendment and the agreement all at once rather than have to repeat things twice. Then there'd be one motion to cover everything at the end.

"Flooding from storms on July the 3rd and September the 9th, has damaged a bridge on 61st street North, between Oliver and Woodlawn. The bridge consists of a pair of steel arch pipes, two at 12'7" by 7'9" that have been in place since 1972.

"The initial storm damaged one of the pipes by buckling up about 40' of the bottom. The storm in September eroded supporting soils which resulted in about 10" of deformation in the sidewall. It is not possible to repair the existing pipes.

"Additional storms could erode out enough supporting soil to allow the pipe failure to continue which would lead to settlement and failure in the road bed. Public Works has posted the bridge at three tons and implemented a monitoring program to detect settlement in the road. If settlement is detected or further damage is found after a rain event, the bridge will have to be closed.

"The road carries over 3,000 vehicles per day and is a major link between K-254 highway and the cities of Kechi and Park City.

"Sedgwick County's purchasing policy and the Kansas Statutes provide for emergency repairs of roads and bridges. Projects would normally be advertised for 30 days and formal bids would be accepted and processed by the Sedgwick County Purchasing Department.

"The County Counselor's office has advised that an agreement can be entered into based on expedited contracting procedures under Sedgwick County Charter Resolution 65, K.S.A. 68-521 and K.S.A. 68-1413, if certain conditions are met.

"These conditions are: the road has been damaged as a result of a disaster. Engineering reports have tied the damage to a disaster. The governor has declared the county as a disaster area. The declaration was issued on September 23rd, 2016.

A hardship will result if the road is not immediately repaired. This finding can be made by the Board.

"The Board received an engineer's estimate for the project from the County Engineer. The estimate is attached in the backup material. The contract must be awarded within 60 days of the governor's disaster declaration. So, the last day to act is November 22nd.

"The Purchasing Director finds that an emergency exists. Competitive bidding requirements were waived by the Purchasing Director on November the 9th.

"Public Works staff has designed a replacement structure. In order to expedite the replacement process, precast concrete box culverts have been ordered from Wichita Concrete Pipe based on regular contract pricing at a cost of approximately \$48,000. Plans have been prepared that would have a contractor use the pre-purchased material to construct the new bridge.

"Time savings will be achieved with this two-part purchase because it has allowed the fabrication of critical material to proceed while design and contractor selection occurs.

"In preparation for this agenda, Public Works identified five completed projects that have had cost savings that can be moved to this new project and allow for replacement this year. We requested a CIP (Capital Improvement Project) amendment to establish a budget for the contracted portion of the repairs. We'd originally anticipated a cost of approximately \$200,000. The formal CIP amendment that we placed on your agenda would create a budget of \$201,354.53.

"Under the Emergency Statutes and Charter 65, the county could implement almost any reasonable contracting process right down to negotiations with a single contractor. Public Works and Purchasing prefer some type of open bidding process so an expedited bidding process was designed to involve as many contractors as possible.

"On Thursday, November 10th, Public Works sent out a project description and invitations to a non-mandatory pre-bid conference to be held on Tuesday, November 15th to 25 contractors. Ten contractors attended the pre-bid meeting. Final plans were provided to the contractors on Wednesday, November 16th, that addressed comments or concerns of attendees at the pre-bid conference. Interested contractors were required to submit bids by email to Public Works and the Purchasing Department no later than 5:00 p.m. on Friday, November 18th.

"Public Works has tabulated the bids and prepared a recommendation for consideration by the Board of County Commissioners. On Friday afternoon, we received bids from three contractors. We've distributed a tabulation of bids to you. For the record, we received the following bids: Klaver Construction, \$325,025.61, Mies Construction, \$339,564.00, Dondlinger Construction, \$367, 495.00.

"After reviewing the bids, we recommend that a contract be awarded to Klaver Construction in the amount of \$325,025.61. You've probably noticed that the low bid exceeds both the recommended CIP amendment amount and the engineer's estimate. We have verified with the County Counselor that while one of the statutes requires that we give you an estimate, it does not require that the bid be below the estimate.

"We were able to identify project cost savings in two additional projects that can be

moved to this project. We'll recommend that you amend the proposed CIP amendment by adding \$140,207.00 from B-486, which was the repair project at the MacArthur Road Bridges at Lake Afton.

"We'll also recommend that you move \$8,438.47 from B-483 which is the repair project on MacArthur Bridge over the Arkansas River. When combined with the project cost savings that we had previously identified, the new project budget will be \$350,000. That will provide about \$25,000 in contingency funds for the project.

"We have two items for your consideration this morning. In the first item we recommend that you approve the CIP amendment to create a project budget for B-499 with a budget of \$350,000.00, after approving that item, we recommend that you make certain findings, that you approve the use of an expedited bid process to select a contractor, that you award a contract for reconstruction of the bridge as recommended and that you authorize the Purchasing Director or his designee to sign the agreement and any corresponding documents. I'd stand for any questions.

"We had a lot of help in this. Justin helped, we had people down at our shop working late at night to get the plans done. We've had a full team effort on this and I appreciate everybody's help. If I can't answer the question I think we have people here who can."

Chairman Howell said, "Alright, well, thank you Director Spears. I appreciate the presentation this morning. We're going to go to Commissioners first. Commissioner Peterjohn."

Commissioner Peterjohn thanked the Chairman and said, "Yes, very much appreciate the presentation. Is there a time frame for this project, Mr. Spears?"

Mr. Spears said, "Yes, the window to start is between December 5th and December 12th and it will be 45 working days."

Commissioner Peterjohn said, "Let me ask you, obviously this time of year weather can be a factor. What happens, I mean our normal construction season is not in, normally things are pretty, December and January aren't our prime construction time frame, so can you talk about that a little bit too?"

Mr. Spears said, "You bet. That's why our staff, exactly why we decided to go with pre-cast concrete boxes. These boxes will be made at a factory, then shipped here and then placed in the hole after we take out the metal arch pipes. So, you don't have to form it up, you don't have to pour concrete which takes a long time and also is weather sensitive. We'll have the boxes made and that's why it will be within two months' time, 45 days working days can be about two months. We'll have it done. I don't think the weather should affect us that much."

Commissioner Peterjohn said, "Really, that's excellent news and if we're looking at basically having the area, that road closed for the bridge for about 60, total of about 60 days, is that correct?"

Mr. Spears said, "Yes, 45 working days or if you know, if there is some reason they can't work, it'll extend. But, we think this is the very best way to go and we think its full speed ahead."

Commissioner Peterjohn said, "Thank you, Mr. Chairman."

Chairman Howell said, "Thank you, Commissioner Peterjohn. Commissioner Unruh."

Commissioner Unruh thanked the Chairman and said, "Well, David, I appreciate as you've expressed thanks to the team that helped put this together. I also want to express appreciation for that, because I know that this is a critical road into Kechi and Park City.

"It's, I've been up there and looked at it and I know that you have restricted some traffic over this bridge already to make sure that it's safe for passenger cars and keeping the larger vehicles off of it. I know that this is outside of what we originally thought it was going to take to repair this.

"But, it's got to be done right and it's got to be done so that it lasts in the future. So, I think that this is the right way to approach it. Like I say, I'm glad that you had all of our team involved so they could come to the good conclusion. I assume that doing this in one motion as being approved rather than have the CIP and then the project."

Mr. Spears said, "Yes and we've run that by legal. They're okay with that."

Commissioner Unruh said, "Okay and although you mentioned it I want to emphasize the facts so that anyone who is interested in this and paying attention although in an emergency situation we could have just negotiated a contract for this, but you made the effort to put it out for bids so that we feel like we have a genuinely competitive price on this project. So, thank you."

Mr. Spears said, "Correct and I especially feel good about it because all three prices were in the \$300,000.00 range and so we feel confident that is a good price. They were all reputable contractors who we've used before."

Commissioner Unruh said, "Okay, well, I know that part of being able to expedite this project is a result of your relationships with the folks up at McPherson in the pre-cast concrete factory up there."

Mr. Spears said, "Yes, we want to thank them, because they've interrupted their line of making boxes what they were going to do and inserted us into their process and that was a special favor to Sedgwick County."

Commissioner Unruh said, "Well, I know that the folks up in Kechi are going to be, if they are following this story along they are going to be pleased that we put all of our effort into getting this, really potentially dangerous situation taken care of as quickly and as expeditiously as we can."

Mr. Spears said, "We worked closely with Kechi, there were three utilities in the way and they've been great to work with and they're going to take care of getting those utilities moved in conjunction with the box."

Commissioner Unruh said, "Okay, well, good job and I appreciate your effort on it. So, I'm obviously going to be supportive of getting this project under way. So, that's all I have."

Mr. Spears said, "Thank you."

Chairman Howell said, "Thank you, Commissioner Unruh. Is there anybody in the audience that would like to speak to the agenda item before we move on? Alright, seeing none I have a couple of questions. First of all, have we worked with Klaver before?"

Mr. Spears said, "Yes, sir. Many times."

Chairman Howell said, "Do they do a good job?"

Mr. Spears said, "They specialize in boxes, the type we're doing. They also do where they build the box in place."

Chairman Howell said, "Very good, was it necessary to have a declaration of disaster for us to do this process or does that create some assistance available? What's the importance of having this declared a disaster?"

Mr. Spears said, "I'll let Justin answer that one."

Mr. Justin Waggoner, Assistant County Counselor, greeted the Commission and said, "One of the statutes, that David Spears had mentioned actually and there's a second statute that applies to bridges, they both require for the expenditure of funds under an emergency that there be an emergency declared by the governor and also the contract be awarded within in 60 days of that declaration."

"That's for both bridges and roads. This is kind of a combination of both of those. I mean it includes both bridge and road work. So, that's the importance of the declaration and also the timeliness factors, since the 22nd would be the last day this action can be taken under those statutes."

Chairman Howell said, "Alright, so I guess I'm curious, it feels like we're kind of in a hurry here at the end. Do we know about this damage earlier than the 60 day window?"

Mr. Waggoner said, "I can let Public Works address it a little more specifically. I think they had some issues being able to see it because of the flood waters that were in place and also getting right-of-way from the property owners who live there. But, David Spears can probably answer some of those questions."

Mr. Spears said, "I think Justin answered that one too. There was, after the first flood, water was standing there and we couldn't get in to see it. We thought we might be able to repair it. So, we were in negotiations with property owners for several weeks trying to get additional right-of-way so we could get folks down in there to de-water that to see what the problem was."

"We have not been able to reach any agreement with one of the property owners. We did with the other one. We were able to get down there, we got it fixed so we could look at it. When we saw the problem we sent a bridge engineer out and that's when, I don't know if you've seen the pictures of it, but it buckled, but it's not repairable."

"So, it has to be replaced and from then on we knew it was an emergency. We have folks that look at it every day. We have a stream line set up so we can watch to see if the roads settling. We've lowered it to a three ton load limit. So, we're, it's the biggest thing that we have going right now."

Chairman Howell said, "Very good, alright, appreciate those good answers. I assume that this road will have to be shut down completely during the reconstruction of this."

Mr. Spears said, "Yes, it'll have to be."

Chairman Howell said, "Okay, alright. I don't think I have any other questions or"

comments. Commissioners any other questions or comments? Commissioner Unruh."

MOTION

Commissioner Unruh moved to approve an amendment to the 2016 CIP to create project B-499 with a total budget of \$350,000; that we make findings that the road has been damaged as a result of a disaster, that the governor has declared Sedgwick County as a disaster area, that a hardship would result if the road is not immediately reconstructed, that the County Engineer has provided an estimate of the cost of reconstruction and that it has been less than 60 days since the governor's declaration of disaster; and that based on these findings we approve the use of an expedited bid process to select a contractor, that we select Klaver Construction and award a contract in the amount of \$325,025.61 for reconstruction of 61st street north in Kechi and that we authorize the Purchasing Director or his designee to sign the agreement and any corresponding documents.

Commissioner Ranzau seconded the motion.

There was no discussion on the motion, the vote was called.

VOTE

Commissioner Unruh	AYE
Commissioner Norton	AYE
Commissioner Peterjohn	AYE
Commissioner Ranzau	AYE
Chairman Howell	AYE

Mr. Spears said, "Thank you."

Chairman Howell said, "Thank you, Director Spears. Well, I believe that takes us to the end of the planned agenda. Is there anything from Commissioners before we adjourn? Mr. Counselor, anything else? Mr. Manager? Alright, with that I thank everyone. We're adjourned."

Approved As Amended

B [16-773](#)

AGREEMENT FOR EMERGENCY RECONSTRUCTION OF A BRIDGE ON 61ST ST. NORTH BETWEEN OLIVER AND WOODLAWN (BRIDGE NO. 604-30-1967). B-499. DISTRICT 1.
Presented by: David C. Spears, P.E., Director of Public Works/County Engineer.

RECOMMENDED ACTION: Make a finding that the road has been damaged as a result of a disaster, that the Governor has declared the County as a disaster area, that a hardship would result if the road is not immediately reconstructed, that the County Engineer has provided an estimate of the cost of reconstruction, and that it has been less than 60 days since the Governor's declaration of disaster. Approve

the use of an expedited bid process to select a contractor. After hearing a recommendation from the County Engineer, select a contractor and award a contract for reconstruction of the bridge as deemed appropriate by the Board of County Commissioners. Authorize the Purchasing Director or his designee to sign the agreement and any corresponding documents.

Item B was taken with Item A

ADJOURNMENT

There being no other business to come before the Board, the meeting was adjourned at 10:18 a.m.

*BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS*

*JAMES M. HOWELL, Chairman
Fifth District*

*RICHARD RANZAU, Chair Pro Tem
Fourth District*

*DAVID M. UNRUH, Commissioner
First District*

*TIM R. NORTON, Commissioner
Second District*

*KARL PETERJOHN, Commissioner
Third District*

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED:
