

E Environment Committee

Meeting date: January 9, 2007

For the Metropolitan Council Meeting of January 24, 2007

ADVISORY INFORMATION	
Date:	January 2, 2007
Subject:	Ratification of Declaration of Emergency to Remove and Dispose of Contaminated Soils for the Riverview Siphon Improvements
District(s), Member(s):	District 13 Rick Aguilar
Policy/Legal Reference:	Council Policy 3-3 Expenditures
Staff Prepared/Presented:	Richard Halsted, 651-602-1038
Division/Department:	MCES c/o William G. Moore, 651-602-1162

Proposed Action/Motion

That the Metropolitan Council ratify the attached *Justification for and Declaration of Emergency* for removal and disposal of contaminated soils for the Riverview Siphon Improvements.

Issue(s)

- During the excavation for installing a casing pipe for the Riverview Siphon, contaminated soils were encountered. The MPCA has determined that the soils must be removed and disposed of at a special landfill. The trench must be backfilled with clean material.
- The contaminated soils are stockpiled on site and the area is needed by the West Sides Flats Development contractor. Delays in disposal of the soil may jeopardize funding of this development project.
- The contaminated soil, although covered, could be a health risk to the public in the area.

Overview and Funding

The Metropolitan Council has delegated authority to the Regional Administrator to declare emergencies on behalf of the Council when the health, safety, or welfare of the public is compromised or potentially compromised, and immediate action is required to address the emergency. The emergency declaration is then presented to the appropriate implementation committee for approval, and placed on a following Council consent list for formal ratification.

The cost for removal and proper disposal is estimated at \$120,000. Funding will be from the Riverview Improvements Project 8025 Capital Budget.

Riverview



Justification for and Declaration of Emergency

"A declared public emergency is an emergency situation in which the health, safety or welfare of the public or the safety of Metropolitan Council employees or facilities is compromised or potentially compromised and requires immediate action to correct."	
I REQUEST THAT A PUBLIC EMERGENCY BE DECLARED, BASED UPON THE FOLLOWING:	
Describe the nature of the emergency situation:	During the excavation for installing a casing pipe for the Riverview Siphon, contaminated soils were encountered. The MPCA has determined that the soils must be removed and disposed of at a special landfill. The trench must be backfilled with clean material.
Explain why this situation is a present, immediate, and existing emergency:	The contaminated soils are stockpiled on site and the area is needed by the West Sides Flats Development contractor. Delays in disposal of the soil may jeopardize funding of this development project.
Explain how this emergency does or will affect the healthy, safety, or welfare of the public or the safety of Metropolitan Council employees or facilities:	The contaminated soil, although covered, could be a health risk to the public in the area.
(Complete reverse side of form and sign)	

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Describe the supplies or services which must be acquired to remedy this emergency situation, including the estimated cost:	The contaminated soil must be trucked to an industrial landfill for proper disposal and clean fill hauled in to backfill the trench. Estimated cost: \$120,000
Identify how you chose the contractor(s) (Emergency Contractors List, vendor database, etc.):	Viet Co. is the contractor performing the casing installation and has performed similar work in the past.
Quotes are not required in declared emergencies. If quotes were obtained, describe your efforts to obtain them:	A quote was obtained from Viet and the estimated costs compared to recent disposal costs on other projects. The quoted cost is lower than other similar work.
List the other vendors, if any, that have expressed an interest in providing goods or services relating to this emergency:	N/A
I hereby certify that the information presented on this form is accurate and complete to the best of my knowledge and belief.	
Requestor's Signature: <i>WP Moeller</i> Title :Assistant General Manager Date: 12/18/06	
Signature: <i>William J. M...</i> General Manager/Division Director Date: 12/19/06	
<p>Based on the above information, an emergency situation exists within the meaning of the Council Procurement Policy. Carrying out the competitive bidding process and the technical requirements of the Council's Procurement Policy, and awaiting Council declaration of an emergency and approval for the purchase of materials or supplies or the making of emergency repairs would significantly and unacceptably delay the commencement of repair work on the above-referenced project. The Metropolitan Council, by its Procurement Policy, has delegated authority to the Regional Administrator to declare an emergency on behalf of the Council in such cases. Therefore, I declare on behalf of the Metropolitan Council, that an emergency exists as described above and that the emergency situation requires the immediate purchase of materials or supplies or the making of emergency repairs. I authorize the General Manager/Division Director named above to let appropriate contracts and make payments for the purchase of materials or supplies or the making of repairs necessary to meet the emergency situation without advertising for bids, without meeting other technical requirements of Council Procurement Policy, and without prior approval of the Council. If the costs to correct the emergency situation total \$25,000 or more, I direct that this emergency declaration and any such contracts and/or payments be presented to the Metropolitan Council for formal ratification at its next meeting.</p>	
Signature: <i>[Signature]</i> Regional Administrator Date: 12-20-06	