

# E Environment Committee

Meeting date: April 10, 2007

For the Metropolitan Council Meeting of April 25, 2007

## ADVISORY INFORMATION

<b>Date:</b>	April 9, 2007
<b>Subject:</b>	Ratification of Declaration of Emergency to Repair 1-MN-320
<b>District(s), Member(s):</b>	District 7, Annette Meeks
<b>Policy/Legal Reference:</b>	Council Policy 3-3, Expenditures
<b>Staff Prepared/Presented:</b>	Richard Halsted,
<b>Division/Department:</b>	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* to rehabilitate Interceptor 1-MN-320.

### Issue(s)

- Recent inspection of the interceptor has revealed significant signs of distress.
- Failure could result in raw sewage spills.
- Construction of the Twins stadium and Northstar Rail Station in the immediate area could cause the sewer to collapse, resulting in raw sewage spills.
- Rehabilitation of 1-MN-320 should be implemented prior to the construction activities, which are scheduled to proceed in June 2007.

### 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 estimated cost of rehabilitation is \$1.5 to \$2.5 million. Funding will be from the 2007 Capital Budget.

### Budget Information

Annual or Capital	Year Project Approved	Estimated Cost	Current Authorization	Unencumbered Funds	Amount Requested
Capital	2007	\$2,500,000	\$10,000,000	\$4,500,000	\$2,500,000

### Justification for and Declaration of Emergency

<p><i>"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></p>	
<p><b>I REQUEST THAT A PUBLIC EMERGENCY BE DECLARED, BASED UPON THE FOLLOWING:</b></p>	
<p>Describe the nature of the emergency situation:</p>	<p>The Metropolitan Council currently owns and operates a 120-year old 7'-6" by 7'-6" foot interceptor, 1-MN-320, that currently traverses the proposed Twins Stadium site along 5th Street near downtown Minneapolis. Recent inspections have revealed the interceptor shows significant signs of distress. MCES staff has determined that the interceptor improvements should be implemented prior to stadium and rail construction in order to prevent failure during construction of the stadium or bridge improvements which are part of the LRT/Northstar rail project.</p>
<p>Explain why this situation is a present, immediate, and existing emergency:</p>	<p>The proposed schedules for the stadium and the LRT/Northstar rail projects will have work proceeding in this area by June 2007. The rehabilitation of the interceptor should be implemented prior to pile driving associated with the bridge and stadium work.</p>
<p>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:</p>	<p>The construction adjacent to the interceptor could cause the brick and stone sewer to collapse resulting in a raw sewage spill.</p>
<p><b>(Complete reverse side of form and sign)</b></p>	

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<p>Describe the supplies or services which must be acquired to remedy this emergency situation, including the estimated cost:</p>	<p>Staff will procure the required 78" liner pipe and provide it to the contractor for installation. Price quotations were solicited from two pipe suppliers and the delivery times evaluated. The Hobas brand pipe can be delivered in five weeks, which will match the required time frame. The other brand Flowtite has a fifteen week delivery time, which does not meet the required schedule.</p> <p>Prices are being solicited for installation of the pipe liner from two local contractors, Barbarossa and Lametti. Both of these are well experienced in this type of work and have performed this for MCES in the past.</p> <p>Engineering services will be provided by Brown and Calwell.</p> <p>Estimated cost: \$1.5 to 2.5 million</p>
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<p>Identify how you chose the contractor(s) (Emergency Contractors List, vendor database, etc.):</p>	<p>Emergency contractor list and past experience. Barbarosa and Lametti are the only local contractors that have extensive experience in large diameter sewer construction as well as rehabilitation of large diameter interceptor systems.</p>
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<p>Quotes are not required in declared emergencies. If quotes were obtained, describe your efforts to obtain them:</p>	<p>Quotes will be obtained from both Barbarossa and Lametti.</p>
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<p>List the other vendors, if any, that have expressed an interest in providing goods or services relating to this emergency:</p>	<p>N/A</p>
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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: \_\_\_\_\_ Title : \_\_\_\_\_ Date: \_\_\_\_\_

Signature: *William J. [Signature]* General Manager/Division Director Date: *3/16/07*

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.

Signature: *[Signature]* Regional Administrator Date: *3-19-07*