

**E Environment Committee
Meeting date: February 9, 2010**

For the Metropolitan Council Meeting of February 24, 2010

ADVISORY INFORMATION

Date:	February 3, 2010
Subject:	Ratification of Declaration of Emergency for Repair of Rosemount Forcemain
District(s), Member(s):	16 – Wendy Wulff
Policy/Legal Reference:	Council Policy 3-3, Expenditures
Staff Prepared/Presented:	Bryce Pickart 651-602-1091
Division/Department:	MCES c/o William G. Moore 651-602-1162

Proposed Action

That the Metropolitan Council ratify the attached *Justification for and Declaration of Emergency* for Rosemount Forcemain 9208 repair.

Background

On December 22, 2009, a leak was discovered in the Rosemount Forcemain south of County Road 42, west of Highway 55. Staff estimates that approximately 100 gallons leaked before flow was diverted to a second forcemain.

Ames Construction, the original construction contractor, has been asked to excavate and investigate. If the cause of the problem relates to original construction, MCES expects that Ames and its insurance will be responsible for correction of the defect. The excavation is scheduled to begin the week of February 8.

Rationale

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.

Funding

Estimated cost for the investigation and repairs is \$100,000.

Known Support / Opposition

None.



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:

<p>Describe the nature of the emergency situation:</p>	<p>A leak in one of the Rosemount forcemains 9208 was observed on December 22, 2009. The leakage was estimated at 100 gallons. Flow was diverted to the second forcemain. On December 23, 2009 staff determined that the leak had stopped.</p>
<p>Explain why this situation is a present, immediate, and existing emergency:</p>	<p>This was a raw wastewater spill.</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>Raw wastewater spills are a risk to public health and the environment.</p>
<p>(Complete reverse side of form and sign)</p>	

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Describe the supplies or services which must be acquired to remedy this emergency situation, including the estimated cost:	Excavation down to the pipe will be required. The repair method will be determined once the pipe is exposed. Estimated cost: \$
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Identify how you chose the contractor(s) (Emergency Contractors List, vendor database, etc.):	The contractor that installed the forcemain, Ames Construction has been contacted as well as Widmer Construction. Staff will obtain estimates of the excavation and repair methods and costs. Widmer has performed many emergency repairs for the Council over the years.
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Quotes are not required in declared emergencies. If quotes were obtained, describe your efforts to obtain them:	N/A
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List the other vendors, if any, that have expressed an interest in providing goods or services relating to this emergency:	N/A
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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: *W.P. Geller* Title :Assistant General Manager Date: 12/23/09

Signature: *William J. ...* General Manager/Division Director Date: 12/23/09

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: 12-28-09