

**E** Environment Committee  
**Meeting date: April 13, 2010**

**For the Metropolitan Council Meeting of April 28, 2010**

**ADVISORY INFORMATION**

**Date:** March 17, 2010  
**Subject:** Ratification of Declaration of Emergency for Repair of Plymouth Interceptor 1-PM-466  
**District(s), Member(s):** District 1, Roger Scherer  
**Policy/Legal Reference:** Council Policy 3-3, Expenditures  
**Staff Prepared/Presented:** Bill Moeller 651-602-4504  
**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 the Plymouth Interceptor 1-PM-466 repair.

**Background**

A televised inspection of the Plymouth Interceptor 1-PM-466 was performed in February 2010. The inspection revealed a broken 12-inch pipe downstream of a maintenance structure adjacent to Basset Creek. The pipe upstream of this break was replaced in 1986. Additional settlement has occurred and the original existing pipe has separated just outside of the structure. Numerous other defects were observed that warrant replacement. Staff anticipates approximately 800 feet of pipe will need to be replaced.

**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**

The cost for replacement of the defective pipe is estimated at between \$220,000-\$350,000. The replacement will be funded by the 2010 Capital Budget.

**Known Support / Opposition**

No known opposition.

### 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>Televised inspection of interceptor 1-PM-466 reveals a broken 12-inch pipe downstream of MH 156 adjacent to Basset Creek. The pipe upstream of this break was replaced in 1986. Additional settlement has occurred and the original existing pipe has separated just outside of MH 156 and numerous other defects warrant replacement.</p>
<p>Explain why this situation is a present, immediate, and existing emergency:</p>	<p>Raw sewage may exit the pipe at the break locations and leak into Basset Creek or Medicine Lake.</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 sewage leaking into surface waters represents a risk to public health.</p>

(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:	Excavation of the failed pipe and MH and replacement with new pipe and connection MH's  Estimated cost: \$220,000
Identify how you chose the contractor(s) (Emergency Contractors List, vendor database, etc.):	Contractors that have performed this type of sewer repair were reviewed, as well as the personnel which would be involved.
Quotes are not required in declared emergencies. If quotes were obtained, describe your efforts to obtain them:	Three established sewer contractors will be contacted and estimates solicited.
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>William Maeller</i> Title : Assistant General Mgr Date: 3/17/10	
Signature: <i>William Maeller</i> General Manager/Division Director Date: 3/17/10	
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 \$100,000 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: <i>Shmoor</i> Regional Administrator Date: 3-18-10	