



**ADVISORY INFORMATION**

<b>Date:</b>	December 8, 2010
<b>Subject:</b>	Emergency Declaration to Repair the Excelsior Forcemain MSB-7017
<b>District(s), Member(s):</b>	District 3, Robert McFarlin
<b>Policy/Legal Reference:</b>	Council Policy 3-3, Expenditures
<b>Staff Prepared/Presented:</b>	Bill Moeller 651-602-4504
<b>Division/Department:</b>	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 repairs to the Excelsior Forcemain MSB-7017, at a cost not to exceed \$50,000.

**Background**

A raw sewage spill occurred on November 8, 2010 in Excelsior. This resulted from a soil boring drill puncturing the 24-inch diameter Excelsior forcemain. The forcemain location had been marked in accordance with Gopher 1 Call requirements. However, this forcemain is extremely difficult to accurately locate.

MCES staff responded immediately to the spill and mobilized numerous temporary conveyance contractors and a contractor to excavate and repair the damaged pipe. Wastewater was hauled with multiple trucks to a downstream facility while the repairs were implemented. Approximately 235,000 gallons was spilled into Lake Minnetonka. An extensive water quality monitoring program was done from November 8<sup>th</sup> through November 19<sup>th</sup> to document the impact on the lake. Bacteria levels have returned to normal and no long term damage has been done to the lake.

**Rationale**

The Metropolitan Council, by its Procurement Policy, 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. If the costs to correct the situation total or exceed \$100,000, the emergency declaration is then presented to the appropriate implementation committee for approval, and placed on a following Council consent list for formal ratification.

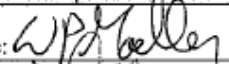
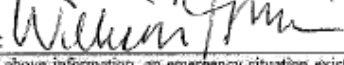

**Funding**

Estimated cost for the temporary conveyance and forcemain repair is \$250,000.

**Known Support / Opposition**

None

**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 align="center">I REQUEST THAT A PUBLIC EMERGENCY BE DECLARED, BASED UPON THE FOLLOWING:</p>	
Describe the nature of the emergency situation:	Foremain on the discharge of Excelsior lift station L-19 was hit by a soil boring contractor. Raw sewage spill occurred on November 8, 2010.
Explain why this situation is a present, immediate, and existing emergency:	Raw sewage was leaking from the forcemain pipe and being released into Lake Minnetonka.
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:	Raw sewage spills are a threat to public health and the environment.
Describe the supplies or services which must be acquired to remedy this emergency situation, including the estimated cost:	Excavation of the forcemain, temporary hauling or conveyance and installation of a repair will be made to the pipe. The contracted work includes multiple temporary conveyance vendors and the excavation & repair contractor.  Estimated cost: \$250,000
Identify how you chose the contractor(s) (Emergency Contractors List, vendor database, etc.):	Previous emergency repair experience with these contractors on this type of work.
Quotes are not required in declared emergencies. If quotes were obtained, describe your efforts to obtain them:	N/A
List the other vendors, if any, that have expressed an interest in providing goods or services relating to this emergency:	N/A
<p>I hereby certify that the information presented on this form is accurate and complete to the best of my knowledge and belief.</p>	
Requestor's Signature: 	Title: AGM Date: 11/9/10
Signature: 	General Manager/Division Director Date: 11/9/10
<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 \$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.</p>	
Signature: 	Regional Administrator Date: 11-9-10