

E Environment Committee

Meeting date: January 22, 2008

For the Metropolitan Council Meeting of February 13, 2008

ADVISORY INFORMATION

Date:	January 15, 2008
Subject:	Ratification of Declaration of Emergency to Repair the Portland & Washington Regulator Site
District(s), Member(s):	District 7 Annette Meeks
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 repair of the Portland & Washington Regulator Site.

Background

During recent maintenance activities at the Portland & Washington Regulator site, the natural shale roof of the gate chamber was observed to be in structural distress. Several pieces of the shale roof had fallen off the roof into the sewer. This condition represents a severe safety concern for workers required to enter this space to perform maintenance activities. Large, heavy pieces of shale could become dislodged without warning and fall on workers. There is also equipment in this chamber that could be damaged by falling rock and compromise proper operation of the facility.

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

Repairs to the facility are estimated to cost \$600,000 and funds are available in the 2008 Operating 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>The natural shale roof of the gate chamber in the Portland & Washington Combined Sewer Overflow Regulator site is spalling off and collapsing into the sewer.</p>
<p>Explain why this situation is a present, immediate, and existing emergency:</p>	<p>Several pieces of rock have already spalled off and fallen into the sewer. Temporary shoring has been installed to allow very, very limited access to this room. The room has been marked with "Do Not Enter" tape until remedial action is taken. Falling shale could also damage equipment located in this chamber, which could result in regulatory permit violations.</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 possibility of rock falling on maintenance staff during maintenance activities is significant. The size of the rock pieces could severely injure staff.</p>
<p>(Complete reverse side of form and sign)</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>Engineering services to design an adequate support system for the roof shale is required. Further contracted services to install the roof support will be required.</p> <p>Estimated cost: \$600,000</p>
<p>Identify how you chose the contractor(s) (Emergency Contractors List, vendor database, etc.):</p>	<p>The engineering services will utilize an engineer from our Master Contract list specializing in tunneling and tunnel support systems. The installation contractor will be solicited from the group of local contractors experienced in this type of work and environment.</p>
<p>Quotes are not required in declared emergencies. If quotes were obtained, describe your efforts to obtain them:</p>	<p>Quotes will be solicited from three or four experienced contractors.</p>
<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>

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. Keller* Title :Assistant General Manager Date: 1/15/08

Signature: *William J. ...* General Manager/Division Director Date: 1/15/08

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 \$75,000 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: *Michael ...* Regional Administrator Date: 1/10/08

[Handwritten mark]