

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

For the Metropolitan Council Meeting of March 24, 2010

ADVISORY INFORMATION

Date:	March 4, 2010
Subject:	Ratification of Declaration of Emergency for Flood Preparation and Protection
District(s), Member(s):	All
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 flood preparation and protection.

Background

Flood conditions are projected for the Minnesota River, affecting the Blue Lake Plant during March-April, 2010. Due to the status of construction projects at the Blue Lake Plant, the plant's flood protection system is not fully functional: (1) a portion of the flood levee is under reconstruction; (2) only two of three effluent pumps are available for service; and (3) permanent pumps have not yet been installed in the recently deepened groundwater dewatering wells.

Flood levels are projected to reach the Blue Lake plant by mid-March, with a projected flood crest in early April. The construction work cannot be completed that soon. Consequently, pumps need to be rented to provide backup effluent pumping and to supplement the groundwater dewatering system. Levee reconstruction is being expedited, but temporary emergency measures to ensure plant protection are likely to be needed.

Flood conditions are also projected for the Mississippi River, affecting the Metropolitan Plant. Because river levels may reach the elevation of Childs Road, construction of a temporary access road between Warner Road and the top of the influent double barrel interceptor will be required to provide plant access. Access road preparations must be undertaken in March to ensure Metropolitan Plant access.

Rationale

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 flood preparation and protection measures is \$400,000.

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>Flood conditions are projected for the Minnesota River, affecting the Blue Lake Plant during March-April, 2010. Due to the status of construction projects at the Blue Lake Plant, the plant's flood protection system is not fully functional: (1) a portion of the flood levee is under reconstruction; (2) only two of three effluent pumps are available for service; and (3) permanent pumps have not yet been installed in the recently deepened groundwater dewatering wells.</p> <p>Flood conditions are also projected for the Mississippi River, affecting the Metropolitan Plant. Because river levels may reach the elevation of Childs Road, construction of a temporary access road between Warner Road and the top of the influent double barrel interceptor will be required to provide plant access.</p>
<p>Explain why this situation is a present, immediate, and existing emergency:</p>	<p>Flood levels are projected to reach the Blue Lake plant by mid-March, with a projected flood crest in early April. The construction work cannot be completed that soon. Consequently, pumps need to be rented to provide backup effluent pumping and to supplement the groundwater dewatering system. Levee reconstruction is being expedited, but temporary emergency measures to ensure plant protection are likely to be needed.</p> <p>Access road preparations must be undertaken in March to ensure Metropolitan Plant access.</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>Lack of adequate flood protection measures may result in untreated wastewater discharge, as well as extensive damage to facilities.</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>Blue Lake Plant: Portable pump rental for effluent pumping; rental of groundwater dewatering pumps; support equipment, materials, and labor; and temporary levee reconstruction materials, equipment, and labor.</p> <p>Metropolitan Plant: Construction of temporary access road and removal after flood.</p> <p>Estimated cost: \$400,000</p>
<p>Identify how you chose the contractor(s) (Emergency Contractors List, vendor database, etc.):</p>	<p>Temporary levee reconstruction: Knutson is on-site construction contractor. Northern Dewatering has reliably designed and provided temporary pumping facilities to MCES. Keys Dewatering (backup to Northern Dewatering on well pumps) is the dewatering well construction contractor. Lametti & Sons is readily available and has previously constructed temporary access road for Metropolitan Plant.</p>
<p>Quotes are not required in declared emergencies. If quotes were obtained, describe your efforts to obtain them:</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>
<p>I hereby certify that the information presented on this form is accurate and complete to the best of my knowledge and belief.</p>	
<p>Requestor's Signature: <i>Bryce J. Dickart</i> Title: Assistant General Manager, Technical Services Date: 3/4/10</p>	
<p>Signature: <i>William M. Wilson</i> General Manager/Division Director Date: 3/4/10</p>	
<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>	
<p>Signature: <i>[Signature]</i> Regional Administrator Date: 3-4-10</p>	