

**E** Environment Committee  
Meeting date: July 10, 2012

For the Metropolitan Council Meeting of July 11, 2012

**ADVISORY INFORMATION**

|                                  |   |
|----------------------------------|---|
| <b>Date:</b>                     | June 26, 2012   |
| <b>Subject:</b>                  | Ratification of Declaration of Emergency for Repair of Interceptor MSB 69U1 |
| <b>District(s), Member(s):</b>   | District 2, Lona Schreiber  |
| <b>Policy/Legal Reference:</b>   | Council Policy 3 -3 Expenditures  |
| <b>Staff Prepared/Presented:</b> | Scott Dentz 651-602-4503  |
| <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 Interceptor MSB 69U1 in Fridley.

**Background**

A leak in the Brooklyn Park forcemain river crossing was reported by City of Fridley staff on June 21, 2012. Wastewater was observed coming out of the east bank of the Mississippi river in Fridley. There are two river crossing pipes at this location and flow was immediately diverted to the second pipe. These facilities were constructed in 1971. Lametti & Sons was mobilized to excavate down to the failed pipe and repair it. Excavation and repair activities are ongoing.

**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**

The cost of the repair is estimated at \$750,000 to come from the Reserve Contingency Fund. MCES will pursue a budget amendment to reflect this funding.

**Known Support / Opposition**

No known opposition.

**Justification for and Declaration of Emergency**

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| <p><b>"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."</b></p> |  |
| <p align="center">I REQUEST THAT A PUBLIC EMERGENCY BE DECLARED, BASED UPON THE FOLLOWING:</p>   |  |
| <p>Describe the nature of the emergency situation:</p>   | <p>The Brooklyn Park forcemain has developed a leak on the east side of the Mississippi river in Fridley. Raw sewage is leaking into the river.</p>  |
| <p>Explain why this situation is a present, immediate, and existing emergency:</p>   | <p>The leak is ongoing although flow has been diverted to the second forcemain. Immediate action to repair the broken forcemain is required to provide needed capacity for the system and minimize impacts to the environment.</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 is leaking into the Mississippi river creating a potential public health hazard. This facility is upriver from the Minneapolis water intake.</p>   |
| <p align="center"><b>(Complete reverse side of form and sign)</b></p>  |  |

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| Describe the supplies or services which must be acquired to remedy this emergency situation, including the estimated cost:  | <p>Access to the river bank location of the leak must be created, excavation down to the leaking pipe is required. The repair method won't be known until the pipe is exposed.</p> <p>Estimated cost: \$500,000</p> |
| Identify how you chose the contractor(s) (Emergency Contractors List, vendor database, etc.):   | This contractor is a proven emergency response contractor with all the expertise needed to perform the work in a timely fashion.  |
| 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   |
| 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>W.P. Maeder</i> Title :Assistant General Manager Date: 6/21/12  |   |
| Signature: <i>William J. M.</i> General Manager/Division Director Date: 6/25/12   |   |
| 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: <i>CRH</i> Regional Administrator Date: 6-26-12  |   |