

Business Item

Environment Committee



Committee Meeting Date: December 13, 2022

For the Metropolitan Council: December 14, 2022

Business Item: 2022-317 SW

Ratification of Emergency Declaration for Long Lake Interceptor Rehabilitation, Project 808862, Contract 21P008 – Additional Pipe Debris Removal

District(s), Member(s): District 10, Peter Lindstrom
Policy/Legal Reference: Council Expenditure Policy 14-2, Emergency Expenditures
Staff Prepared/Presented: Tim Wedin, Assistant Manager, Interceptor Engineering, 651-602-4571
Division/Department: MCES c/o Leisa Thompson, 651-602-8101

Proposed Action

That the Metropolitan Council ratify the attached Emergency Declaration for Additional Pipe Debris Removal in Interceptor 8451.

Background

On November 3, 2022, MCES staff were notified that debris in the Long Lake Interceptor Rehabilitation Project (Project Number 808862, Contract 21P008) was significantly more than estimated during project design.

Upon receiving notification of the issue, Interceptor Services evaluated the repercussions of delaying or terminating the project to address the additional work. Delaying the construction project to obtain Council approval would have resulted in significant project delays, and additional costs to the project. Terminating the project would have prevented the rehabilitation of a pipe that is rated in poor condition in a timely manner.

This change in conditions will require a significant cost increase to the project, surpassing the General Manager's authorized 10% Change Order limit.

Rationale

Without a contract value increase, the contract would need to be terminated without completion. The pipe is rated in poor condition and at significant risk of failure. Failure of a sanitary sewer pipe is a risk to public health and the environment.

Thrive Lens Analysis

This action advances the Thrive Outcome of Stewardship. Public financial resources will be invested efficiently and effectively to maintain and restore existing capacity to existing wastewater infrastructure which protects the region's natural resources.

Funding

The estimated cost for the emergency work is \$1,000,000. This work will be funded out of the 2022 MCES Authorized Capital Program.

Small Business Inclusion

The Office of Equity and Equal Opportunity (OEEEO) set a Metropolitan Council Underutilized Business (MCUB) goal of 9% on contract 21P008. At the time of award, OEEEO determined that the awarded vendor met the MCUB requirements for the contract. For the current action on the existing contract, OEEEO will monitor the MCUB utilization and ensure the awarded vendor continues to meet the MCUB requirements for the contract.





EMERGENCY DECLARATION FORM

“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:

Describe the nature of the emergency situation.

On November 3, 2022, MCES staff were notified that debris in the Long Lake Interceptor Rehabilitation Project (Project Number 808862, Contract 21P008) was significantly more than estimated during project design. This change in conditions will require a significant cost increase to the project, surpassing the 10% Change Order limit.

Explain why this situation is a present, immediate, and existing emergency.

Project 808862 is currently under construction. Delays to the project will result in additional costs to the project. Projected costs for the additional debris removal are estimated by staff to be between \$650,000 and \$1,000,000.

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.

Without a contract value increase, the contract would need to be terminated without completion. The pipe is rated in poor condition and at significant risk of failure. Failure of a sanitary sewer pipe is a risk to public health and the environment.

Describe the supplies or services which must be acquired to remedy this emergency situation, including the estimated cost.

Work will require pipe cleaning equipment and additional material disposal.

Estimated Cost: \$1,000,000

Identify how you chose the contractor(s).

Contractor is already on site and under contract to perform the work. Work is in addition to work that is already planned.

I hereby certify that the information presented on this form is accurate and complete to the best of my knowledge and belief. Copy/paste names/dates out of approved Emergency Declaration Form

Requestor Signature: Wedin, Timothy 11/15/2022, 4:36PM

Supervisor Signature: Gordon, Adam 11/15/2022, 6:21PM

Division Director/General Manager Date

Signature: Thompson, Leisa 11/16/2022, 6:53AM

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.

Regional Administrator Signature:

Bogie, Mary

Date:

11/29/2022, 11:25AM

[Link to form](#)



Metropolitan Council