

# Business Item

Environment Committee



Committee Meeting Date: August 9, 2022

For the Metropolitan Council: August 24, 2022

## Business Item: 2022-233

Ratification of Emergency Declaration for Purchase of Odor Control Chemicals

<b>District(s), Member(s):</b>	All Districts
<b>Policy/Legal Reference:</b>	Policy 14-2, Expenditures for the Procurement of Goods, Services, and Real Estate Policy
<b>Staff Prepared/Presented:</b>	Adam Gordon, Interceptor Engineering Manager, 651-602-4503 Bert Tracy, Director, Environmental Services, 651-602-4024
<b>Division/Department:</b>	MCES c/o Leisa Thompson, 651-602-8101

### Proposed Action

That the Metropolitan Council ratify the Emergency Declaration for the purchase of odor control chemicals and operation and maintenance services for the 16 existing chemical odor control sites.

### Background

Due to delays in commencing construction, the current terms of existing contract 20P215B, and the existing Purchase Order for chemical supply expiring on July 31, 2022, chemicals and maintenance services need to be purchased to maintain odor control throughout the Metro area at our 16 current sites.

Failure to act would result in odors that cannot be managed and would severely impact adjacent neighborhoods and businesses with sewer related odors and potentially unsafe work areas for service crews.

### Rationale

Work is required immediately to protect public health and protect existing infrastructure.

### 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 \$400,000. This work will be funded out of the 2022 MCES Authorized Capital Program.

### Small Business Inclusion

Due to the time sensitive nature of the Emergency Declaration and the need for immediate work to be performed to protect public health and existing infrastructure, the Office of Equity and Equal Opportunity will not be establishing a small business goal. The application of a goal would significantly impact the timing of this project.



Metropolitan Council  
 Contracts & Procurement  
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## 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.

*Due to delays in commencing construction, the current terms of existing contract 20P215B and the existing PO for chemical supply expires on July 31, 2022, chemicals need to be purchased in order to maintain odor control throughout the Metro at our 16 current sites. Failure to act would result in odors that cannot be managed and would severely impact adjacent neighborhoods and businesses with sewer related odors and potentially unsafe work areas for service crews.*

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

*Work is required immediately to protect public health and protect adjacent residents and businesses.*

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.

*Work is required immediately to protect public health and safety*

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

*Supply of nitrate salt chemical and operations and maintenance of the system services*

Estimated Cost: *400,000*

Identify how you chose the contractor(s).

*Utilize the awarded contractor for contract 20P215B, Rice Lake Construction. Their proposal was evaluated by a panel and determined most advantageous to Council.*

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: *Remus, Christopher* *7/26/2022, 4:27 PM*

Supervisor Signature: *Gordon, Adam* *7/26/2022, 9:18 PM*

Division Director/General Manager Signature: *Thompson, Leisa* *7/27/2022, 10:20 AM*

Signature	Date
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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* *7/28/2022, 10:14 PM*

Signature	Date
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