

Environment Committee

For the Metropolitan Council meeting of June 26, 2019

Subject: Emergency Declaration Ratification for Relocation of Interceptor 8352

Proposed Action

That the Metropolitan Council ratify the attached Justification for the Declaration of Emergency for relocation of Interceptor 8352 at BNSF rail crossing with Town Line Road Trail (south of TH12) in Maple Plain.

Summary of Committee Discussion/Questions

Council Member Zeran asked if there were any MCUB vendors pre-qualified to do the work. Staff stated we will utilize a prequalified contractor and will encourage the general contractor to utilize MCUB subcontractors

Chair Lindstrom inquired what the notification process was to the affected communities. Staff stated communities were previously made aware of the work being completed in the area by BNSF Railroad.

Council Member Fredson asked if the interceptor was in the BNSF right-of-way and if so, why the Council was responsible for the work. Staff stated we are in the right of way with the railroad by license which states that relocation of Council facilities is required upon 60-day notice.

Environment Committee

Meeting date: June 11, 2019

For the Metropolitan Council meeting of June 26, 2019

Subject: Emergency Declaration Ratification for Relocation of Interceptor 8352

District(s), Member(s): District 1 & 3, Judy Johnson & Christopher Ferguson

Policy/Legal Reference: Policy 3-3, Expenditures

Staff Prepared/Presented: Jeannine Clancy, 651-602-1210; Adam Gordon, 651-602-4503

Division/Department: MCES c/o Leisa Thompson, 651-602-8101

Proposed Action

That the Metropolitan Council ratify the attached Justification for the Declaration of Emergency for relocation of Interceptor 8352 at BNSF rail crossing with Town Line Road Trail (south of TH12) in Maple Plain.

Background

MCES staff was recently notified by BNSF that the railroad would be removing the grade separated railroad bridge located south of TH 12 at Town Line Road (alignment) and replacing the bridge with a large box culvert and retaining walls for earth support. The proposed retaining wall locations will be constructed directly over an existing MCES interceptor pipe. MCES Interceptor 8352 is located within the railroad right of way under a license agreement. Relocation of this Interceptor is necessary to ensure no disruption of sewer service for the city of Maple Plain. BNSF plans to begin work in July 2019.

Rationale

The location of the proposed BNSF work poses a significant risk to the integrity of the MCES existing forcemain and would eliminate any future access for maintenance or repair. This relocation needs to begin immediately to ensure that no impact or disruption to sewer service occurs. MCES will hire a prequalified contractor to perform this work.

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 \$800,000. This work will be funded out of the 2019 MCES Authorized Capital Program.

Known Support / Opposition

No known opposition.



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.

MCES staff was recently notified by BNSF that they would be removing the grade separated railroad bridge located south of TH 12 at Town Line Road (alignment) and replacing the bridge with an at grade crossing. BNSF plans to begin work in July 2019. MCES Interceptor 8352 is located within the railroad right of way under a license agreement.

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

Due to the late notification by BNSF of the planned work, the traditional project delivery method will not meet the timeline imposed by BNSF.

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.

MCES Interceptor 8352 is critical to providing regional wastewater service to the City of Maple Plain.

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

Engineering design services and construction services.

Estimated Cost: \$800,000.00

Identify how you chose the contractor(s).

Engineering services will be authorized using an ES Master Contract for Interceptor Engineering.

Construction Services will be selected from the list of approved contractors for tunneling.

I hereby certify that the information presented on this form is accurate and complete to the best of my knowledge and belief.

Requestor Signature

Vadis, Meredith
 Signature

6/4/2019 8:36:00 PM
 Date

Division Director/General Manager Signature

Thompson, Leisa
 Signature

6/4/2019 3:08:00 PM
 Date

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

Vadis, Meredith
 Signature

6/4/2019 8:36:00 PM
 Date