

# **E** Environment Committee

Item: 2013-375

For the Metropolitan Council special meeting of December 19, 2012

## **ADVISORY INFORMATION**

Date Prepared: December 12, 2012

Subject: Ratification of Declaration of Emergency for Repair of Eagan  
Interceptor 3-ET-37

### **Proposed Action:**

That the Metropolitan Council ratify the attached *Justification for and Declaration of Emergency* for Repairs to Eagan Interceptor 3-ET-37.

### **Summary of Committee Discussion / Questions:**

Motion to approve proposed action was made, seconded and passed unanimously.

# E Environment Committee

**Meeting date: December 11, 2012**

For the Metropolitan Council Meeting of December 19, 2012

## ADVISORY INFORMATION

Date:	November 26, 2012
Subject:	Ratification of Declaration of Emergency for Repair of Eagan Interceptor 3-ET-37
District(s), Member(s):	District 15, Steven T. Chávez
Policy/Legal Reference:	Council Policy 3 -3 Expenditures
Staff Prepared/Presented:	Bill Moeller 651-602-4504
Division/Department:	MCES c/o Leisa Thompson 651-602-8101

### Proposed Action

That the Metropolitan Council ratify the attached *Justification for and Declaration of Emergency* for Repairs to Eagan Interceptor 3-ET-37.

### Background

Televised inspection of Eagan Interceptor 3-ET-37 has recently revealed that the facility is severely corroded and requires immediate rehabilitation. These facilities were constructed in 1967 and are located adjacent to and under I-494 and in close proximity to the environmentally sensitive area near the Minnesota River. A portion of the deteriorated section is under the freeway and will be realigned outside of the roadway to eliminate future risk to the public.

### 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 \$2,500,000 to come from the 2013 Capital Program, Project No. 809060.

### Known Support / Opposition

No known opposition.

### 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:

Describe the nature of the emergency situation:	Interceptor 3-ET-37 located in Eagan is in severely deteriorated condition requiring immediate rehabilitation. Hydrogen sulfide has caused severe corrosion of the concrete pipe.
Explain why this situation is a present, immediate, and existing emergency:	This interceptor is parallel to and under I-494 between Pilot Knob Rd and TH 13. Due to the sensitive location of this facility and potential impacts, it should be rehabilitated or replaced immediately.
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:	Collapse of this pipe would result in a raw sewage spill which could adversely impact public health, the environment or possibly I-494 and it's traffic.
<b>(Complete reverse side of form and sign)</b>	

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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>It is anticipated that complete replacement of approximately 2,500 feet of pipe and realignment of the portion under the freeway will be required. Temporary conveyance of the wastewater, excavation and new pipe installation is needed.</p> <p>Estimated cost: \$2,500,000</p>
<p>Identify how you chose the contractor(s) (Emergency Contractors List, vendor database, etc.):</p>	<p>Staff will develop a preliminary design and solicit proposals from at least 3 contractors with experience in this type of MCES project.</p>
<p>Quotes are not required in declared emergencies. If quotes were obtained, describe your efforts to obtain them:</p>	<p>A minimum of 3 quotes will be solicited.</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>W.P. Moeller</i> Title :Assistant General Manager Date: 11/21/12</p>	
<p>Signature: <i>Kevin Thayer</i> General Manager/Division Director Date: 11/26/12</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 \$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.</p>	
<p>Signature: <i>AKM</i> Regional Administrator Date: 11-27-12</p>	