

Business Item

Environment Committee



Committee Meeting Date: September 12, 2023

For the Metropolitan Council: September 27, 2023

Business Item: 2023-205

Ratification of Declaration of Emergency for 7122 Low Head Crossing Repair

District(s), Member(s):	District 13, Chai Lee
Policy/Legal Reference:	FM 14-2 – Expenditures for the Procurement of Goods, Services, and Real Estate
Staff Prepared/Presented:	Adam Gordon, Interceptor Engineering Manager, 651-602-4503
Division/Department:	Environmental Services

Proposed Action

That the Metropolitan Council ratify the attached Emergency Declaration for repairs of the sink hole and Interceptor 7122 Low Head Crossing in an amount not to exceed \$2,000,000.

Background

On August 22, 2023, MCES staff were notified of a sink hole forming south of the intersection of Beam Avenue and Highway 61 by MnDOT. A stream flows through a culvert at this area and water was found to be flowing around the culvert wall and into the ground. MCES staff determined that flow was entering through a hole in the interceptor beneath the culvert by dye testing. The contractor, Minger Construction Company, was selected to repair the sink hole and the low head crossing pipe repair. The work scope includes shoring and temporary conveyance. The temporary conveyance pipe will be set up to divert the flow from the pipe and to clean, televise and inspect the low head crossing. Once the location and extent of the break is confirmed, the proper repair of the pipe will be determined. Traffic control has been installed to safely protect the construction staff. MnDOT, Ramsey-Washington Metro Watershed District, City of Maplewood, and the nearby business are informed of the sink hole and the work.

Rationale

FM 14-2 states that Emergency Declarations exceeding \$175,000 require appropriate Committee and Council ratification.

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 estimated to be \$2,000,000. This work will be funded out of the 2023 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 did not establish Metropolitan Council Underutilized Business (MCUB) goal. The application of an MCUB goal would significantly impact the timing of this project.





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 August 22, 2023, MCES staff were notified of a sink hole forming south of the intersection of Beam Avenue and Highway 61 by MnDOT. A stream flows through a culvert in this area, and water was found to be flowing around the culvert wall and into the ground. MCES staff determined that flow was entering through a hole in the interceptor beneath the culvert. Staff are shoring the affected area to prevent any further loss of soil, and constructing a temporary patch to prevent further flow into the interceptor. This Emergency Declaration will focus on temporary conveyance of flow around this area, and repair of low-head crossing beneath the culvert.

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

Work is required immediately to protect public health and prevent damage to roadway infrastructure.

Explain how this emergency does or will affect the health, safety, or welfare of the public or the safety of Metropolitan Council employees or facilities.

Repair of the break in the interceptor is required to prevent further damage to the roadway infrastructure, which could adversely affect traveling public. The break in the interceptor is allowing clear water to infiltrate into the interceptor, which will have adverse effects on downstream facilities, and could result in spills.

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

Temporary conveyance will be required to be able to access the low head crossing for inspection of the pipes, and determination of the required repairs. Repairs would likely include rehabilitation of the 4 pipes that cross beneath the culvert. Repairs may require excavation and replacement of the pipe in this area.

Estimated Cost: \$2,000,000

Identify how you chose the contractor(s).

Contractor has equipment in the area, and has availability to perform work.

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* 8/23/2023 14:44:00 AM

Supervisor Signature: *Gordon, Adam* 8/23/2023 12:02:00 PM

Division Director/General Manager: *Thompson, Leisa* 8/23/2023 1:17:00 PM

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 \$175,000 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: *Walljasper, Philip* 8/23/2023 1:57:00 PM

Signature Date