


Public Works Department

M E M O

TO: Steve Potter, City Manager
CC: Michael Barrett, City Attorney
FROM: Julie Lucido, Public Works Director 
DATE: August 25, 2021
SUBJECT: Emergency Declaration for Failed Oak Street Storm Drain

Background

The City operates and maintains an underground storm drain system throughout the City, including an 18-inch clay storm drain pipe below Oak Street between Brown Street and Franklin Street (the "Oak Street Storm Drain").

Damage to the Oak Street Storm Drain was first identified through the development of a sink hole within the City street at the intersection of Oak Street and Franklin Street earlier this year. At that time, steel plates were installed to support vehicle traffic at this location; however, the severity of the underground problem was not known. The storm drain line was inspected through video technology and the inspection showed evidence of severe damage with full to partial pipe collapse for segments of the Oak Street Storm Drain between Brown Street and Franklin Street. Immediately upon learning of the severity of the damage, the City's engineering team expedited the evaluation, survey, design, and preparation of the bid package for replacement of the Oak Street Storm Drain. The storm drain replacement includes the installation of approximately 1,100 lineal feet of new 18-inch reinforced concrete pipe for the main line and 180 lineal feet of new 15-inch reinforced concrete pipe for the associated laterals.

In order to not cause further damage to the surrounding infrastructure, the replacement of the Oak Street Storm Drain must be completed prior to heavy winter rains. The standard time for the construction bidding process would result in at least three months before the start of construction. The normal process includes a series of steps including advertisement, bid acceptance, bid review, placement on the City Council agenda for contract award, bond and insurance submittals, contract execution and finally the notice to proceed with contract construction work. Utilizing the standard contracting procedures would result in construction beginning in November or December which would create a significant risk of further damage

to public property and public safety due to the likelihood of runoff from heavy storms eroding the subgrade causing the street to collapse and damage to other utilities.

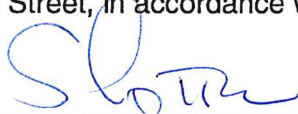
Recommended Action

Per NMC Section 2.91.040, I am recommending the City Manager make the determination that the failed Oak Street Storm Drain is an "emergency" resulting in the need to expedite its replacement. NMC Section 2.91.020 defines "Emergency" as a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services. The identification of the failure of the storm drain was a sudden, unexpected occurrence. The determination of the emergency condition will allow immediate action to commence contracting for the replacement of the public infrastructure to prevent loss of property, protect essential public services and protect public safety.

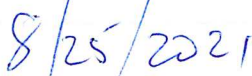
The proposed work plan under the emergency declaration will balance the need to commence the construction to replace the Oak Street Storm Drain within the next month while administering a modified bid process to obtain competitive pricing by seeking bids from a minimum of three qualified contractors that have successfully completed projects within the City. The bid package is being completed and it will document the contract selection criteria based on the lowest and best bid submitted, following a shortened bid period of two weeks. The selection criteria will identify bid evaluation based on a combination of factors including the bid price, schedule for performance, and the experience of the bidder and its assigned personnel. In addition to reducing the timeframe for the bidding process and eliminating the Council award, some of the steps will be able to proceed in parallel, reducing the overall time until the start of construction.

Declaration:

The City Manager hereby determines that there is substantial evidence documented in this memo from the Public Works Director (dated August 27, 2021) to support the conclusions that: (1) there is an "emergency" based on the unexpected failure of the Oak Street Storm Drain of which the City suddenly learned following the video inspection; (2) there is a need to take the immediate action for the repair work described in this memo to resolve the emergency, and (3) the emergency will not permit a delay resulting from compliance with the standard public bidding process. Therefore, the City Manager hereby authorizes the Public Works Director to execute the emergency contracts that are directly related to resolving the emergency, including the replacement of the Oak Street Storm Drain from Franklin Street to Brown Street, in accordance with NMC Section 2.61.040.



Steve Potter, City Manager



Date