

**CITY OF COOS BAY**  
**JOINT CITY COUNCIL / URA WORK SESSION**  
**Agenda Staff Report**

<b>MEETING DATE</b> January 31, 2017	<b>AGENDA ITEM NUMBER</b>
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TO: Mayor Benetti and City Councilors

FROM: Jennifer Wirsing, Wastewater Project Engineer

THROUGH: Rodger Craddock, City Manager  
Jim Hossley, Public Works Director

ISSUE: After the Fact Emergency Project to Address Sewer Cross Connection

**BACKGROUND:**

On January 10, 2017, the City received a report that discharge was escaping a manhole at the intersection of Anderson Avenue and S. 3<sup>rd</sup> Street. City crews dispatched immediately and cleaned the downstream sanitary sewer line and discovered a blockage. Once the blockage was removed, the line was cleared and the discharge escaping the manhole ceased. From a regulatory perspective, the discharge escaping the sanitary sewer manhole is considered a Sanitary Sewer Overflow (SSO). As a result, the SSO was reported to the Department of Agriculture, Oregon Emergency Response System, and the Department of Environmental Quality.

Earlier that day, the crew observed ponding in the parking lot that is bound by the Art Museum and 7 Devils Brewery. When they drove by later that day, after removing sewer blockage, they observed that the ponding had subsided. They investigated and did not see any blockage in the storm sewer catch basin that serves the parking lot. Because the ponding did not seem appropriate they investigated further. It was discovered the next day that the stormwater catch basin, that serves the parking lot, was connected to the sanitary sewer. This is often referred to as an illegal cross connection and it contributes to the capacity issues that plague our sewer system.

Because of the illegal cross connection, this was deemed an emergency repair. Staff contacted Benny Hempstead Excavation directly as opposed to obtaining quotes. The contractor mobilized the next day and the illegal cross connections was abated. Based on Section 11 (titled Emergency Contracts) of the City's Purchasing Rules, the Director may declare an emergency with the price under \$50,000 and provide findings, which are described below, to make a prompt execution of the contract. For the city to expedite the repair, the city's contract rules, Ordinance No. 365, does allow for a contracting method that is different than the normal approach. For projects under \$50,000, Section 11, (a) of the contracting rules applies and is provided below:

**Section 11. Emergency Contracts.**

(a) Emergency Contracts Under \$50,000. The Board may let public contracts without competitive procurement if an emergency exists. For the purposes of this rule, an emergency consists of

circumstances creating an unforeseen and substantial risk of loss or damage to property, a significant interruption of governmental services or a threat to public health or safety which requires prompt execution of a contract to remedy the condition.

(1) The Director may declare an emergency, which shall authorize the City to enter into an emergency contract with a price under \$50,000. The Director must make written findings describing the emergency conditions necessitating prompt execution of the contract.

(2) Any contract awarded under this exemption shall be awarded within 60 days following declaration of the emergency unless an extension is granted by the Board.

In accordance with (a) (1) above, the findings describing the emergency conditions necessitating the prompt execution of the contract are as follows:

Because an illegal cross connection was identified and because DEQ's National Pollutant Discharge Elimination System permit requires the city to reduce inflow and infiltration, the project was deemed an emergency. The City's regular/standard procurement method would have delayed the emergency repair and potentially caused a permit violation. Furthermore, the cross connection had the potential to affect public health.

**ADVANTAGES:**

Awarding the contract through the City's emergency procurement process allowed the City to complete the required repairs as soon as possible. The timely repair minimized the potential for a permit violation and minimized any adverse impacts to public health.

**DISADVANTAGES:**

Staff sees none.

**BUDGET IMPLICATIONS:**

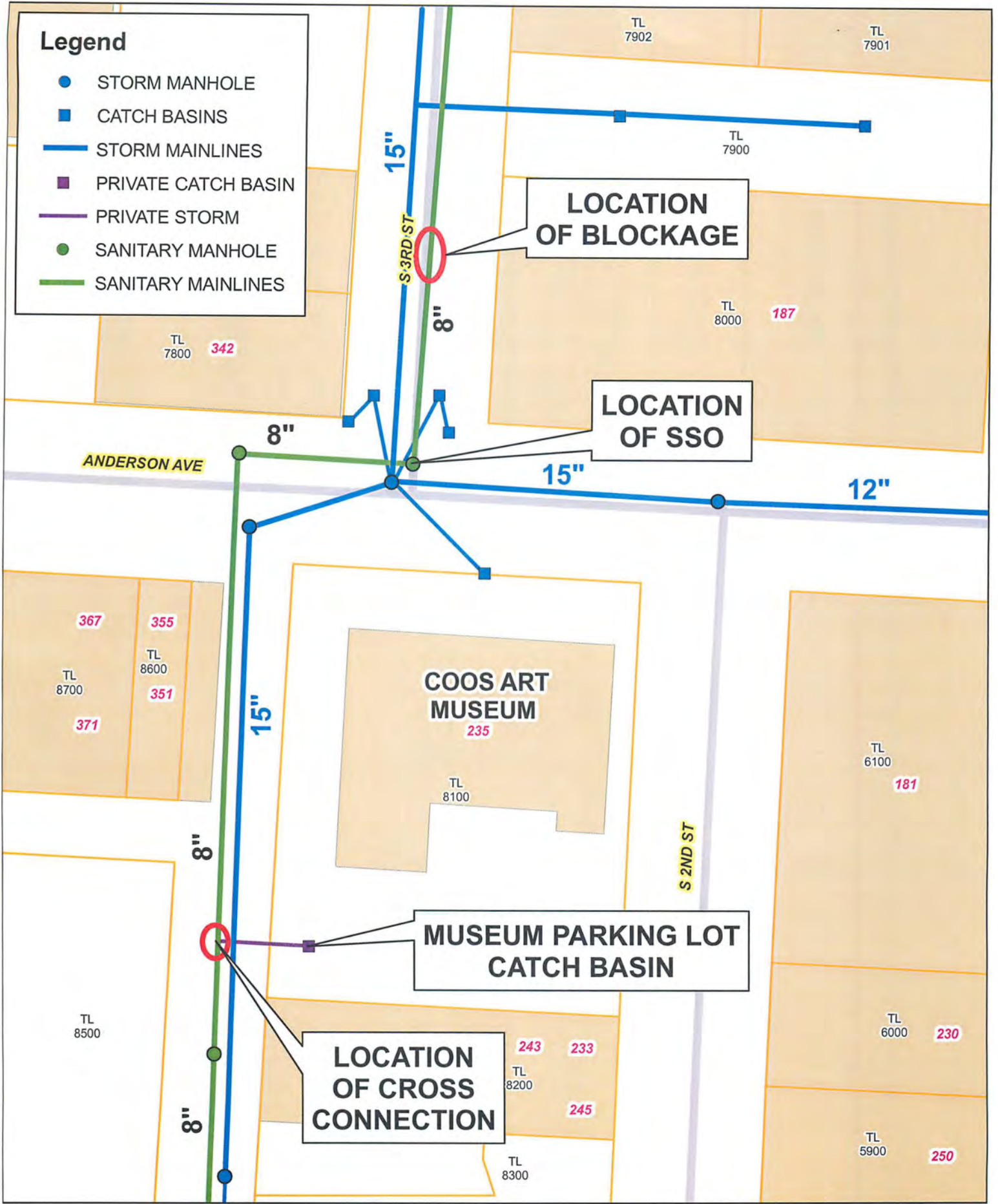
Due to the emergency nature of the project, it was determined to contract with Benny Hempstead Excavating Inc. on a time and material basis. Staff was on site at all times to observe and direct work. Currently the city has one billing of \$5,432.35. However additional concrete and asphalt work must be performed when weather permits. The total repair will not exceed \$12,000. The source of funds for this contract is the Wastewater Expenditures Fund, Collection Systems/Sanitary Department, and Wastewater Emergency Repairs (29-810-530-3010).

**ACTION REQUESTED:**

At the next regular Council session, staff will request Council consider approving the award of the emergency repair (after the fact) for the illegal cross connection at the Art Museum parking lot to Benny Hempstead Excavating Inc. for an amount not to exceed \$12,000 pursuant to the Emergency Contract rules found in Section 11 of City of Coos Bay Ordinance No. 365.

**Legend**

- STORM MANHOLE
- CATCH BASINS
- STORM MAINLINES
- PRIVATE CATCH BASIN
- PRIVATE STORM
- SANITARY MANHOLE
- SANITARY MAINLINES



**LOCATION MAP**



Agenda Item #2j  
1 inch = 50 feet