

RESOLUTION 21-10990

**A RESOLUTION DECLARING AN EMERGENCY AND
WAIVING THE REQUIREMENT FOR COMPETITIVE BIDS**

WHEREAS, the sewer line from the Billings Heights into the City's Water Reclamation Facility (WRF) has unexpectedly and abruptly failed. This sewer line carries approximately three million gallons per day (MGD) of sewage to the WRF; and

WHEREAS, Public Works has constructed a temporary berm and is utilizing a short-term bypass pumping station to presently contain and redirect back-up sewage flow to the WRF and away from the City and Yellowstone River;

WHEREAS, Section 7-5-4302, MCA, requires the City to advertise for competitive bids and to award the bid to the lowest responsive bidder for construction, repair, or maintenance in excess of \$80,000;

WHEREAS, competitive bidding requires an advertising and award process that would delay the repair; and

WHEREAS, Section 7-5-4303, MCA, allows the City to waive the competitive bidding requirements if three-fourths ($\frac{3}{4}$) of the members present at the meeting of the City Council declare an emergency.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, as follows:

1. EMERGENCY DECLARED. The repair of the sewer line from the Billings Heights into the City's WRF is declared an emergency due the extreme and immediate necessity to take corrective action for the health, safety and welfare of the public and Yellowstone River.
2. COMPETITIVE BIDDING WAIVED. Due to the declared emergency, the City Council waives the competitive bidding requirements of as permitted by Section 7-5-4303, MCA.

APPROVED by at least three-fourths ($\frac{3}{4}$) of the members present at the meeting of the City Council of the City of Billings, Montana, on the 13th day of September, 2021.

CITY OF BILLINGS

By: William A. Cole

William A. Cole, Mayor

ATTEST:

By: Denise R. Bohlman

Denise R. Bohlman, City Clerk

