

## **RESOLUTION 24-11197**

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

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

WHEREAS, Public Works is temporarily utilizing a short-term bypass pumping station to presently contain and redirect sewage flow to the WRF and away from the City, Alkali Creek, 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 a 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, Alkali Creek, 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 May, 2024.



CITY OF BILLINGS

By: William A. Cole  
William A. Cole, Mayor

ATTEST:

By: Denise R. Bohlman  
Denise R. Bohlman, City Clerk

**City Council Regular**

**Date:** 05/13/2024  
**Title:** W.O. 24-39: Heights 24-inch Sewer Interceptor Repair, Emergency Resolution  
**Presented by:** Debi Meling  
**Department:** Public Works  
**Presentation:** No  
**Legal Review:** Yes  
**Project Number:** N/A

**RECOMMENDATION**

Staff recommends that Council adopt a resolution declaring an emergency and grant the City Administrator the signing authority to repair the Billings Heights 24-inch interceptor sewer pipe.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

On April 23rd, 2024, the City was notified of a break in one of the 24-inch sewer lines coming from Billings Heights to the wastewater reclamation facility. The break occurred near the Bench Boulevard bridge over Alkali Creek. This sewer pipe is one of the three sewer interceptors that serve Billings Heights. The break was caught before any raw sewage could flow into Alkali Creek and flows were contained by City staff. City staff needs to hire contractor(s) to provide bypass pumping of the sewage and replace the sewer trunk line. Due to the potential for sewage to enter Alkali Creek or the Yellowstone River and violate the City's discharge permit, it is the City Staff's recommendation that this work take place as soon as possible. Section 7-5-4302 of the MCA requires advertising for competitive bids and accepting the lowest responsive bid. Competitive bidding is impractical because the time to advertise and analyze bids and award a contract would require several weeks before the work could begin. Section 7-5-4303 of the MCA allows cities to declare an emergency and waive the requirement for advertising and competitive bidding when  $\frac{3}{4}$  of the Council members present at the meeting declare an emergency. In addition, city staff is asking to have the City Administrator be given the signing authority to enter into the contracts necessary to accomplish the work described in this emergency resolution. While there are still several unknowns about the work that is needed, City staff estimate the cost of the work to be about \$275,000.

**ALTERNATIVES**

City Council may:

- Approve the emergency resolution for the Heights 24-inch Sewer Interceptor Repair and give the City Administrator signing authority, or;
- Disapprove the emergency resolution for the Heights 24-inch Sewer Interceptor Repair and do not give the City Administrator signing authority. If the resolution and signing authority are not approved, the repair will be delayed, which will increase the risk to the public of a sewage overflow to Alkali Creek.

**FISCAL EFFECTS**

Staff estimates the cost of construction for the repair to be about \$275,000. Cost of repair will be from FY24 budgeted sewer funds that may reduce the amount of sewer main replacement in FY24 or delay other sewer main replacement projects. The resolution will save about \$5,000 per week of temporary bypass pumping costs if the project went through formal bidding processes and reduce the cost associated with the risk of additional sewage back-up and discharge to the Alkali Creek.

**Attachments**

Emergency Resolution

