

RESOLUTION NO. 1342

A RESOLUTION DECLARING AN EMERGENCY DUE TO THE CATASTROPHIC FAILURE OF THE FORCE MAIN (SEWER LINE) TRANSPORTING SEWAGE BETWEEN THE TRAFTON PARK SEWAGE LIFT STATION AND THE MALTA SEWAGE TREATMENT PLANT; PROVIDING FOR WAIVER OF COMPETITIVE BIDDING PROCEDURES FOR AWARDED A CONTRACT TO REPAIR AND/OR REPLACE THE FORCE MAIN (SEWER LINE) TRANSPORTING SEWAGE BETWEEN THE TRAFTON PARK SEWAGE LIFT STATION AND THE MALTA SEWAGE TREATMENT PLANT; AUTHORIZING MAYOR TO TAKE ALL NECESSARY AND PROPER ACTIONS FOR PERFORMANCE OF SUCH WORK

THE COUNCIL MAKES THE FOLLOWING FINDINGS:

1. The Force Main (Sewer Line) Transporting Sewage between Trafton Lift Station and the Malta Sewage Treatment Plant has failed. The City is completely running on an emergency bypass until repairs are made.
2. Up to 250,000 gallons of sewage a day passes through the force main.
3. The temporary bypass sewer line will be installed between the Trafton Sewage Lift Station and the Malta Sewage Treatment Plant.
4. The force main (sewer line) needs to be repaired/replaced as soon as possible to prevent the need for the above ground bypass.
5. The City has consulted with the engineering firm of Great West Engineering of Helena, Montana regarding this sudden failure of the force main and the necessary steps to permanently remedy the problem by the repair or replacement of the force main.
6. Montana law, i.e. Section 7-5-4302, MCA, requires that contracts for municipal construction projects must be awarded to the lowest responsible bidder through a competitive bidding process after advertisement when the cost of the project is more than \$80,000.00. While the full cost of the project is not known or cannot be determined with any reasonable certainty at

this time, it is estimated by the City, in consultation with its engineer, that the probable cost of the replacement of the force main would likely be greater than \$80,000.00.

7. If the City were to undertake the letting of a contract for this construction work to repair/replace the failed force main with the required bidding procedure, it is estimated that the entire process, including the engineer's preparation of bid specifications, publication of the advertisement, opening of bids, award of contract, and other incidental steps, would take several weeks; with a likely minimum of four to six weeks. The actual work would not begin until sometime after the conclusion of the bidding and award process. The starting date would depend upon variables and uncertainties such as the schedules and availability of contractors and supplies.

8. The City believes that because of the emergency it is not feasible to undertake the formal competitive bidding process. The work needs to be done now and it is not safe and it is impracticable to continue to use the bypass in place through the summer of 2024.

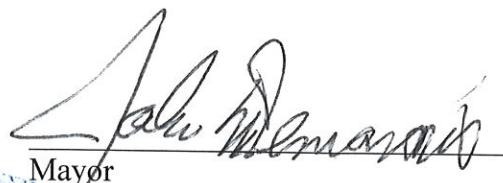
NOW, THEREFORE, BE IT RESOLVED as follows:

1. An emergency is declared to exist as the result of the failure of the force main (sewer line) transporting sewage between Trafton Sewage Lift Station and the Malta Sewage Treatment Plant.
2. As long as the City is not able to transport sewage to its sewage treatment plant without the bypass in place as a result of the failed force main, there is a substantial risk to the property, health, and safety of the persons living in the affected houses and neighborhoods. It is in the best interests of the City and its inhabitants to immediately take the necessary actions to eliminate this risk as soon as it is practically and legally possible.
3. To resolve the present emergency, it is necessary for the City to invoke the emergency

powers under MCA Section 7-5-4303(1) and to forthwith hire a contractor to replace/repair the failed force main between the Trafton Sewage Lift Station and the Malta Sewage Plant and dispense with the process of formally calling for bids and letting the contract for such work to the lowest responsible bidder after advertisement for bids. The interests of the people of the City of Malta are best served by avoiding the delay that would be caused by this extended process that would ordinarily be followed.

4. The Mayor is hereby authorized to do all things necessary and proper to undertake and complete the replacement or repair of the failed force main (sewer line) transporting sewage from the Trafton Sewage Lift Station to the Malta Sewage Treatment Plant, as described above, and to proceed in a manner that will best meet the needs of the emergency and serve the public interest. Such authority includes any or all acts and things necessary to expeditiously accomplish this task, including but not limited to, negotiating of any or all contracts necessary to do the work of this project and securing any or all materials for such replacement or repair. By sufficient vote of the City Council, the process of calling for bids and letting contracts after advertisement as ordinarily required is waived and eliminated for the stated reasons.

Passed and approved this February 20, 2024.


Mayor

ATTEST:


City Clerk/Treasurer

