



The Commonwealth of Massachusetts

Executive Office for Administration and Finance

Division of Capital Asset Management

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CAROLE CORNÉLISON
COMMISSIONER

December 28, 2011

Via Facsimile (508-460-3698) and First Class Mail

Beverly J. Sleeper, Chief Procurement Officer
City of Marlborough
Legal Department
140 Main Street
Marlborough, MA 01752

RE: Emergency Waiver No. 1817
Repair Three Sewer Pump Station Generators and
Lakeshore Drive Sewer Station without an Emergency Back-Up Generator

Dear Ms. Sleeper:

Enclosed please find the granted Emergency Waiver for the above-referenced project.
Should you require further assistance, please feel free to contact me.

Very truly yours,

Susan M. Goldfischer
Deputy General Counsel

Enclosure
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City of Marlborough Legal Department

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December 27, 2011

Ms. Carole Cornelison, Commissioner
Division of Capital Asset Management
One Ashburton Place, 15th Floor
Boston, MA 02108

By Fax to: 1-617-727-5363

ATTN: EMERGENCY WAIVER REQUEST

Dear Commissioner Cornelison:

As Chief Procurement Officer for the City of Marlborough (the "City"), it has come to my attention that emergency services were requested of Lakeside Sewerage due to severe power outages throughout much of the City caused by an early severe winter snow storm on the dates of October 30-31, 2011. Prior to approving the purchase requisition for the unpaid invoice, the City is requesting that your office grant an emergency waiver from the advertisement requirements of M.G.L. c. 149, § 44J(6) and the bidding requirements of M.G.L. c.30, § 39M(a). The following information is provided as required:

1. Due to the impacts of a severe winter snow on October 29, 2011 there were significant power outages throughout much of the City and across much of the Commonwealth of Massachusetts. The City lost power at several sewer pumping stations in the City. There were emergency back-up generators at all sewer pumping stations except one, Lakeshore Drive sewer station. Lakeside Sewerage Service was called in as three generators would not start in addition to the Lakeshore Drive sewer pump station not having an emergency generator. The three additional stations that could not run were Hosmer, Cullinane and Birch sewer pump stations. As a result, the Governor declared a statewide State of Emergency in response to the impact of the severe winter snow storm caused by heavy snow combined with significant wind condition. A copy of the notice posted at the Official Website of the Commonwealth of Massachusetts is attached. The severe snow storm event incident period was October 29 through October 30, 2011. This emergency work was required to prevent health and safety issues related to both people and property.
2. The Marlborough Department of Public Works was aware of the emergencies on the dates of October 29, 2011 and October 30, 2011. Lakeside Sewer Service is located in Marlborough, has large number of pumper trucks readily available, and has been used for emergencies in the past relating municipal sewer emergencies. Due to the severity of the power outages, the City in addition had to hire pumper trucks from two other companies. If the raw sewerage was not dealt with immediately, the over-flowing of the City's sewer mains on the streets noted in paragraph 1 as well as nearby wetland areas could have been a major problem with concerns to health issues and the environment. Lakeside was immediately called, at which time they did respond immediately. With the two additional companies also responding, the City averting a major disaster.

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3. The proposed scope of work was necessary given that three sewer pump station generators were not working in addition to the pump station that did not have a back-up generator preventing raw sewer spilling out into the streets and preventing back-up into some households. Three sewer companies were called in to assist the City for this winter snow storm event to prevent this contamination from occurring.
4. Under standard bidding procedures, the project required a notice in the Central Register and a bid process conducted pursuant to c.30 § 39M which would not have allowed for the services to be performed, under a contract award, sooner than a three-week time period. The requirement for local advertising would not have allowed the services to be performed, under a contract award, for fourteen days. Raw sewerage would have remained a high concern until the power was restored or generators were in working order again. This was an emergency to public health and safety where time was of the essence. As mentioned in paragraph 1, these dates were also declared as a part of the state of emergency in Massachusetts, where there was power outages reported caused by heavy wet snow with significant wind conditions.
5. For this particular emergency, the pumping services were a must and needed to be performed as soon as possible and could not wait. This was not a planned occurrence and it had to be dealt with immediately for health and safety issues. If those health and safety issues had occurred, in addition to addressing the issues, the City would have had to ensure its compliance with certain Environmental Protection Agency (EPA) and the Department of Environmental Protection (DEP) regulations.
6. The dollar amounts for temporary services engaged for this early winter storm event was a total cost of \$19,875.00.
7. The City acknowledges that the prevailing wage law (M.G.L. c.149, § 27F) and bonding requirements (M.G.L. c. 149, § 29) apply to all projects, including this emergency project.

Thank you for your time and consideration of this request. Should you require additional information, please let me know.

Sincerely,

Beverly J. Sleeper
Chief Procurement Officer

Attachment

Emergency waiver of advertising requirements, MGL c. 149, sec. 44J (6) is hereby granted on this 27 day of December, 2011.

EMERGENCY WAIVER NO. 1817

Susan M. Goldfischer
Deputy General Counsel for Construction
Division of Capital Asset Management

Emergency waiver of advertising requirements, MGL c. 149, sec. 44J (6) is hereby granted on this ___ day of _____, _____.

~~Susan M. Goldfischer
Deputy General Counsel for Construction
Division of Capital Asset Management~~