

City of Marlborough
Legal Department

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV
BSLEEPER@MARLBOROUGH-MA.GOV

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

DENISE M. LINDBERG
PARALEGAL

June 24, 2010

Mr. David Perini, 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 Perini:

The City of Marlborough is requesting that your office grant an emergency waiver from the advertisement requirements of M.G.L. c. 149, § 44J(6).

1. Due to heavy rains on the weeks of March 14, 2010 and March 30, 2010, the City of Marlborough's municipal system could not handle the heavy flow on Hosmer Street, Stearns Road, and Broadmeadow Road. Lakeside Sewerage Service was called in to pump out sewer manholes to prevent sewer overflows and backups into residences that the City could not handle itself. This was a local state of emergency that not only affected Marlborough, but many other towns and cities in Massachusetts. As a result, the Governor declared a statewide State of Emergency in response to the impact of the March 13th Nor'easter that produced three days of high winds, heavy rains, major flooding and widespread road closures. A copy of the notice posted at the Official Website of the Commonwealth of Massachusetts is attached. The Nor'easter and flood event incident period was March 12, 2010 and continuing. 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 nights of March 14, 2010 and March 30, 2010. Lakeside Sewer Service is located in Marlborough, and has been used for emergencies in the past relating municipal sewer emergencies. Due to the heavy downpours, the overflowing of the City's Sewer Mains and the potential health issues on the streets noted in paragraph 1, Lakeside was immediately called, at which time they did respond immediately.
3. The proposed scope of work was necessary, as certain sewer mains in Marlborough could not handle the heavy flow of water and the likelihood of raw sewer spilling out into the streets and backing up into some households was inevitable. Three sewer pump trucks were called in to assist the City from Lakeside Sewer for each storm to prevent this contamination from occurring.

4. Under standard bidding procedures, the project required a notice in the Central Register 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. Flooding would have remained a high concern until the sewer mains were pumped, especially as further heavy rains were predicted. 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 much reported damage due to the heavy rain storms and extreme flooding 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 pumping of manholes for these two storms were \$10,100.00 for the March 14, 2010 storm and \$9,075.00 for the March 30, 2010 storm, for a total cost of \$19,175.00.
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,



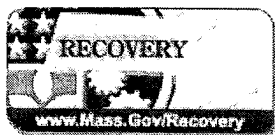
Beverly J. Sleeper
Chief Procurement Officer

Attachment

cc: Ronald M. LaFreniere, Commissioner, Marlborough Department of Public Works
David Lavallee, General Foreman, Marlborough Department of Public Works
Legal Department

The Official Website of the Commonwealth of Massachusetts

Mass.Gov



ONLINE SERVICES

- WebFile your tax return
- Get help with economic downturn
- Apply for unemployment
- Find volunteer opportunities
- Key resources for elders
- Find health insurance
- Search the Massachusetts General Laws (M.G.L.)
- SNAP benefits (formerly food stamps)
- More...
- Flu Facts: What You Need to Know
- Find a job
- Foreclosure resources
- RMV Online Transactions
- Apply for child support
- Grants & funding
- Search for unclaimed money
- Find a flu clinic

NEWS & UPDATES

- Measures to lower health care costs pushed during hearings
- Aging Agenda
- Rabies vaccination clinics
- Health care cost trends hearings - day one
- Natural disaster and severe weather information
- Poison Prevention Week
- More...

Subscribe | Learn more



GOVERNMENT LINKS

State Government

- Executive
 - Governor & Lt. Governor
 - Attorney General
 - Auditor
 - Secretary of State
 - Treasurer

- Legislature
- Judiciary
- More...

Local Government

Federal Government

Flooding safety tips

Governor Deval Patrick has declared a statewide State of Emergency in response to the impact of the March 13th Nor'easter that has produced three days of high winds, heavy rains, beach erosion, major flooding, and widespread road closures.



What is a Gubernatorial State of Emergency?

Massachusetts Emergency Management Agency and MassDOT have issued a number of safety tips to assist residents and commuters.

- [Call 2-1-1 for non-emergency assistance](#)
- Department of Conservation and Recreation (DCR) [traffic advisories](#)
- [Flood safety tips](#)
- [Flooding and Sewage Back-ups: Home Care Guide](#)
- [Road closure updates](#)
- [MassDOT photostream](#)
- [MBTA Service Alerts](#)
- [Storm Fact Sheet](#)
- [Transportation blog](#)

BECOME A VOLUNTEER



2010 United States Census

The census counts every resident (both citizens and non-citizens) in the US and is required to take place every 10 years. Getting an accurate count is key in determining how billions of federal funds is spent in communities across the country.



You will be receiving your [census questionnaire](#) in the mail over the next few weeks. The information you provide is confidential and it is illegal for the US Census Bureau to share your personal information with anyone, including other government agencies such as law enforcement, IRS, Welfare, FBI or Immigration.

Contact the [Boston regional census office](#) if you have further questions or need help filling out your census form.

Filing your Taxes

Now is the time to gather up your W-2s and receipts. Here are some resources to make your tax filing experience easier.



State Resources