

ORDINANCE NO. 160566

Waiving the contract procurement and contract award provisions of Chapter 3, Code of Ordinances, for the Design-Build Emergency Repair of the West Blue River Interceptor Sewer Project; authorizing a maximum expenditure of \$4,000,000.00; and recognizing this ordinance as having an accelerated effective date.

WHEREAS, on July 14, 2016, sixty to eighty feet of the 6 foot arch sewer reinforced concrete pipe at the West Blue River Interceptor failed dumping sewage into Brush Creek; and

WHEREAS, efforts to set up bypass pumping began immediately to eliminate the sewage dumping into Brush Creek; and

WHEREAS, the City Council has determined that it is in the best interest for the City to solicit and award an emergency Design-Build contract to repair the West Blue River Interceptor Sewer in an expedited manner due to the public health, welfare, and safety issues presented when there is a break in a large sewer line; and

WHEREAS, Section 3-35(b), Code of Ordinances, authorizes the City Council to waive any provision of the Code with regard to the procurement or award of any City contract if it finds that the failure to grant the waiver would be detrimental to preserving the public health, welfare, safety or essential operations of the City; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That pursuant to Section 3-35(b), Code of Ordinances, the City Council finds that the failure to grant a waiver of the contract procurement and contract award requirements set forth in Article I, Divisions 1 and 2 of Chapter 3, Code of Ordinances, for the emergency repair of the West Blue River Interceptor Sewer Project would be detrimental to preserving the public health, welfare, safety, and essential operations of the City.

Section 2. That the City Council hereby waives the contract procurement and contract award requirements set forth in Article I, Divisions 1 and 2 of Chapter 3, Code of Ordinances, for the emergency repair of the West Blue River Interceptor Sewer Project.

Section 3. That the City Council hereby waives the MBE/WBE requirements as set forth in Chapter 3, Article 4 of the Code of Ordinances.

Section 4. That the City Manager is directed to procure a design-build contractor based upon those factors that will provide the City the best value under the circumstances and will inform the City Council of the selected contractor within two (2) days of contract execution.

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Section 5. That the Director of Water Services is authorized to expend up to the maximum of \$4,000,000.00 from Account No. 17-8110-807790-B-611060-81000773, Sewers, to satisfy the cost of a contract with the selected contractor.

Section 6. That this ordinance, relating to the design, repair, maintenance or construction of a public improvement, is recognized as an ordinance with an accelerated effective date as provided by Section 503(a)(3)(D) of the City Charter and shall take effect in accordance with Section 503, City Charter.

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I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

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Randall J. Landes  
Director of Finance

Approved as to form and legality:

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Mark P. Jones  
Assistant City Attorney