

RESOLUTION NO. 17-10608

A RESOLUTION DECLARING AN EMERGENCY AND WAIVING THE REQUIREMENTS FOR COMPETITIVE BIDS AS CONTAINED IN 7-5-4302 AND 7-5-4303 MCA

**WHEREAS**, in late January 2017, water began to appear in the Airport Terminal Building basement; and

**WHEREAS**, after extensive investigation it was determined that the source of the water was a leak in the main water feed that runs under the road in front of the Terminal Building and under approximately 30 feet of the Terminal Building; and

**WHEREAS**, the water leak was further determined to be under the Terminal Building and not in the road, making the repair significantly more difficult; and

**WHEREAS**, prolonged water line leaks have been known to result in sink holes and other significant damage; and

**WHEREAS**, there was concern that the water leak under the front of the Terminal Building, if left unchecked, could create a sink hole resulting in significant damage to the Terminal Building; and

**WHEREAS**, a temporary fix was made to supply water to the Terminal Building by utilizing the fire suppression sprinklers' water source to enable the water main feeding the Terminal Building to be shut off to prevent any additional water damage under the Terminal Building; and

**WHEREAS**, the temporary fixes need to be reversed as soon as possible so as not to leave the fire suppression system in a compromised state; and

**WHEREAS**, staff has identified a way to do a water line replacement that would abandon the old water main and bring a new water main to the Terminal Building, and be plumbed to the existing Terminal Building water system infrastructure at an estimated time and materials price between \$70,000 and \$85,000; and

**WHEREAS**, Section 7-5-4302 MCA requires cities to advertise for competitive bids and to award the bid to the lowest responsive bidder for construction, maintenance, or repairs over \$80,000 in value; and

**WHEREAS**, the City's Purchasing Policy requires the City to advertise for competitive bids and to award to the lowest responsible bidder for construction, maintenance, or repairs over \$50,000 in value; and

**WHEREAS**, competitive bidding requires detailed plans and specifications, advertising for bids, and awarding a contract to the low bidder; a process that would delay making a permanent water pipe replacement into the Terminal Building; and

**WHEREAS**, the City's Purchasing Policy and Section 7-5-4303 MCA allows cities to waive the competitive bidding requirements if three-fourths (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 Airport Terminal Building's compromised main water line feed is declared to be an emergency, due to the need to ensure that the existing leak is fixed to prevent additional serious damage to the Airport Terminal Building, and to reverse all temporary fixes to bring the total water system of the Terminal Building back to normal and in compliance with safety and code requirements.
2. COMPETITIVE BIDDING WAIVED. Due to the declared emergency, the City Council waives the competitive bidding requirements for the Airport Terminal Building's main water line replacement, as permitted by 7-5-4303 MCA.

**APPROVED** by at least three-fourths (3/4) of the members present at the meeting of the City Council of the City of Billings, Montana, on the 13th day of March 2017.



CITY OF BILLINGS

BY: Thomas W. Hanel  
Thomas W. Hanel, Mayor

ATTEST:

Denise R. Bohlman  
Denise R. Bohlman, City Clerk