### BOARD OF CITY COMMISSIONERS Fargo, North Dakota

### Special Meeting:

### <u>Tuesday:</u>

January 25, 2011:

Agreeable with a call for a Special Meeting issued by Commissioners Dave Piepkorn and Brad Wimmer, the Board of City Commissioners of the City of Fargo, North Dakota, convened in a Special Meeting in the City Commissioners' Room at the City Hall at 1:15 o'clock p.m., on Tuesday, January 25, 2011.

The Commissioners present or absent were as shown following:

Present: Mahoney (via conference call), Wimmer, Piepkorn, Williams (via conference call), Walaker (via conference call).

Commissioner Piepkorn presiding.

## Resolution Adopted Regarding Emergency Procurement Policy:

City Administrator Pat Zavoral stated the reason for bringing the Board together so quickly again following last evening's regular meeting is because it was learned that flood fighting supplies may be in short supply and purchases should be made as soon as possible. He said Hesco, the company that manufactures Hesco barriers, is getting pressure from Manitoba to secure their entire inventory.

City Attorney Erik Johnson stated he put together the same resolution that was used the prior two years and includes wording keeping the policy in effect until withdrawn by the Board and not beyond December 31, 2011.

Commissioner Wimmer offered the following Resolution and moved its adoption:

WHEREAS, On January 18, 2011, the Mayor of the City of Fargo proclaimed a state of emergency in the City of Fargo, which proclamation was extended by approval of the Board of City Commissioners on January 24, 2011; and,

WHEREAS, While it is generally beneficial to the public that competitive proposals and bids be obtained for procurement of goods and services, the preparation for the impending spring 2011 flood fight creates an urgency for city officials and staff to procure goods and services on an emergency basis which requires a variance from the customary practice and procedures that otherwise require days, if not weeks, of time in order to solicit bids or proposals for projects.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners of the City of Fargo does hereby invoke and activate the Emergency Procurement Policy attached hereto and incorporated as if fully set forth herein. (Attachment "A")

This Resolution shall be effective immediately and will continue to be in effect until it is withdrawn by the Board of City Commissioners, but in no event will this Resolution extend beyond December 31, 2011. Awards of bids and contracts in effect prior to the termination or withdrawal of this Resolution shall not be invalidated or impaired by such termination or withdrawal. Second by Mahoney. On the vote being taken on the question of the adoption of the Resolution Commissioners Wimmer, Mahoney, Williams, Piepkorn, and Walaker voted aye.

No Commissioner being absent and none voting nay, the Resolution was adopted.

# Staff Authorized to Begin Flood Related Purchases:

Senior Engineer April Walker gave an overview of available products and what may be needed. She said 1,974 Hesco barriers would cost \$917,910 and approximately 50 percent could be reusable following a flood event. She said an RFP was done to obtain three million sandbags and a competitive quote of \$312,000 has been obtained. She stated currently there is a supply of three million sandbags and she recommends that amount as carryover stock. Quotes have been obtained on reusable AquaFences and, she said, rental would cost \$119,000/year for five years, but would not be recommended. However, she said, the total desired amount could be achieved by purchasing what is available locally plus ordering additional stock from overseas, to arrive in March, at a cost of \$479,800.

Mr. Costin stated typically reimbursements are based on a declaration at the federal level and until reimbursement applications can be submitted, he is recommending financing expenditures from general fund reserves.

Commissioner Wimmer moved staff be directed to procure the Hesco barriers at a cost of \$917,910, sandbags at \$312,000 and AquaFence units at \$479,800 as requested by Ms. Walker.

Second by Williams. On call of the roll Commissioners Wimmer, Williams, Piepkorn, Mahoney, and Walaker voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Commissioner Wimmer moved that the special meeting adjourn.

Second by Piepkorn. All the Commissioners voted aye and the motion was declared carried.

The time at adjournment was 1:35 o'clock p.m.