



City Purchasing Division
Frances Rodriguez, Director

Emergency Justification For:

Westside Wastewater Manhole Repair

Dated: 11-28-20

The City of Gallup, New Mexico determined that the following emergency exists. Describe emergency:

A manhole in the wastewater collection system that routes a 21-inch wastewater line underneath BNSF railroad tracks to the Wastewater Treatment Plant (WWTP) failed, thereby placing the wastewater collection line in a position of allowing the overflow of raw sewage into the environment. The failed manhole routes all wastewater from the City of Gallup through it into the WWTP. Failure would have caused an extreme danger to public health and welfare and would have caused the City to violate the Clean Water Act (CWA) and its associated NPDES permit, which would have resulted in hundreds of thousands of dollars in criminal penalties.

The existence of the emergency condition creates an immediate and serious need for services, construction or items of tangible personal property that cannot be met through normal procurement methods and the lack of which would seriously threaten:

1. the functioning of government;
2. the preservation or protection of property; or
3. the health or safety of any person.

Contract award details and required statutory information is as follows:

I. Name of Agency & Contact Information:

City of Gallup
Frances Rodriguez, CPPB
P.O. Box 1270
Gallup, NM 87305
505-863-1334 phone
505-722-5133 fax
frodriguez@gallupnm.gov

II. Name of Contractor & Address:

D'Bonaguidi, Inc.
501 Patton Drive
Gallup, NM 87301

Amount of prospective contract: \$45,000

Term of prospective contract: 30-days

- III. Please thoroughly list the services (scope of work), construction or items of tangible personal property of the contract:

Contractor supplied heavy equipment, materials for manhole repair (steel and concrete), along with an equipment operator and welder. City of Gallup Wastewater Collections Staff provided engineering, labor and expertise to set repaired manhole.

- IV. Provide an explanation for the justification of the procurement including a description of the emergency condition(s) requiring use of emergency procurement and the practicable competition utilized in compliance with NMSA 1978, Section 13-1-127.

Failure would have caused an extreme danger to public health and welfare and would have caused the City to violate the Clean Water Act (CWA) and its associated NPDES permit, which would have resulted in hundreds of thousands of dollars in criminal penalties. Contractors within the City of Gallup and in nearby municipalities were contacted to see if they could (1) respond immediately with equipment and material; and (2) provide cost proposals for the work. The only contractor to respond to both requests was D'Bonaguidi, Inc.

- V. Please describe what measures are being taken to minimize the duration and effect of this particular emergency procurement (for example: is the emergency only in place until a competitive process can be completed, etc.).

The response to the failing manhole was to utilize City Staff to conduct the majority of repair work for the manhole, thereby minimizing any costs in procuring a contractor. The scope of work for the contractor was limited to those tasks that City Staff did not have adequate equipment to perform.


- VI. Describe what measures the Agency will take in the future to prevent/mitigate use of an emergency procurement under similar circumstances.

The City has obtained a \$16.2 million loan from the New Mexico Environment Department (NMED) utilizing the Clean Water State Revolving Fund (CWSRF). Loan no. CWSRF 065 will be used to replace this section of 21-inch wastewater collection line from Airport Wash to the WWTP, along with the manholes currently in place. CWSRF Loan no. 065 will be used for five major wastewater projects to prevent issues like this from taking place. In addition, the City is close to completing an Asset Management


Plan (AMP) which will allow the assessment of infrastructure and aid in the CIP planning, scheduling and budgeting process to avoid future issues like this.

Any questions regarding award may be submitted via fax, email, or regular mail using the contact information above (I).

This emergency procurement is per City of Gallup Procurement Code and statutes (NMSA 1978, Section 13-1-127).



Frances Rodriguez, Purchasing Director



Date