



**PUBLIC SERVICE BOARD MEETING
AGENDA ITEM
REGULAR MEETING**

Wednesday, December 08, 2021

SUBJECT

Resolution for Emergency Repairs to Frontera Force Mains

BACKGROUND

The Frontera Lift Station Force Mains are critical to the operation of the wastewater collection system as they convey flow from the entire westside, 3.5 miles, to the John T. Hickerson Water Reclamation Facility. The Frontera Lift Station pumps a total of 10 million gallons of wastewater per day through two force mains with pipe diameters ranging from 30, 36, and 42-inch. On March 2, 2020, 30-inch and 42-inch pressurized wastewater mains experienced failure leading to a rupture discharging thousands of gallons of wastewater onto the area of Sunland Park between IH-10 and Doniphan.

On March 11, 2020, the PSB in its regular meeting authorized EPWater to enter into an emergency contract with Jacobs Engineering Group Inc. and Oscar Renda Contracting, Inc. for the urgent public necessity to repair, rehabilitate, and replace the Frontera Force Mains. As the replacement pipeline was under construction, additional breaks occurred in August 2021, culminating with a break at the Frontera Lift Station itself.

To avoid wastewater from backflowing into customers' properties and onto abutting rights-of-way, EPWater crews mobilized in an attempt to perform repairs, but required additional support. EPWater engaged contractors and vendors, on an emergency basis, seeking assistance in controlling the wastewater discharge at the lift station site. The work performed contained the wastewater and kept it off public rights-of-way and property, but conveyed wastewater to the river in accordance with TCEQ standards.

STRATEGIC OBJECTIVES SUPPORTED

Improve Infrastructure

EVALUATION PROCESS

Emergency work to repair the Frontera Force Mains and mitigate the wastewater discharge to the river continues to be necessary. Coordination with various agencies, including TCEQ, IBWC, EPCWID#1, EPA, Texas Historical Commission, is being performed and spill mitigation plans are being developed that include remediation efforts of all impacted areas and the river. Various bypass pumping operations have been installed at strategic locations to help capture the wastewater flow from the river and convey to the Bustamante and Haskell wastewater treatment plants for treatment.

Various contractors, consultants and vendors will continue to be engaged until all spill mitigation, site remediation and cleanup efforts have been completed. Contractors were and will be selected based on their past experience and qualifications to complete the work, as well as ability to mobilize immediately. Urgent public necessity exists to take action for certain procurements and contracts in order to immediately construct, repair and maintain EPWater's facilities and property to mitigate damage to EPWater's infrastructure and to protect the public health and safety of the residents and customers, pursuant to exemptions to the State's bidding statutes under Texas Local Government Code Section 252.022(a).

FINANCIAL IMPLICATIONS

Sufficient funds are available from various accounts.

PROPOSED ACTION REQUESTED

Consider and adopt a Resolution finding that emergency contracts and purchases related to the Frontera Force Main breaks were effectuated due to an ongoing urgent public necessity and that such contracts and purchases are ratified; and further authorizing the President/CEO or designee, to continue to contract and purchase without further action of the Public Service Board, pursuant to allowable exemptions to the bid statute under section 252.022(a) of the Texas Local Government Code.

SUPPORTING DOCUMENTATION PROVIDED

- Resolution

RESOLUTION

A RESOLUTION OF THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD FINDING THAT EMERGENCY CONTRACTS AND PURCHASES RELATED TO THE FRONTERA FORCE MAIN BREAKS WERE EFFECTUATED DUE TO AN ONGOING URGENT PUBLIC NECESSITY AND THAT ALL SUCH CONTRACTS AND PURCHASES ARE RATIFIED; AND FURTHER AUTHORIZING THE PRESIDENT/CEO, OR DESIGNEE, TO CONTINUE TO CONTRACT AND PURCHASE WITHOUT FURTHER ACTION OF THE BOARD, PURSUANT TO ALLOWABLE EXEMPTIONS TO THE BID STATUTE UNDER SECTION 252.022(a) OF THE TEXAS LOCAL GOVERNMENT CODE.

WHEREAS, on May 22, 1952, the City of El Paso (“City”) adopted Ordinance No. 752, for the purpose of creating the Public Service Board (“PSB”), a board of trustees vested with complete management and control of the El Paso water and wastewater system; and

WHEREAS, the Frontera Lift Station Force Mains and associated system (“Frontera Force Mains”) are critical to the operation of the wastewater collection system; and

WHEREAS, on March 11, 2020, the PSB approved the emergency contracts with Jacobs Engineering Group Inc. and Oscar Renda Contracting, Inc. for the urgent public necessity to repair, rehabilitate and replace the Frontera Force Mains due to a wastewater main failure; and

WHEREAS, on August 13, 2021, a separate wastewater main failure occurred at the Frontera Force Mains, which caused a continuation of the urgent public necessity to repair, rehabilitate and replace the Frontera Force Mains; and

WHEREAS, an urgent public necessity remains ongoing to immediately construct, repair and maintain El Paso Water’s Frontera Force Mains to mitigate the damage to El Paso Water’s infrastructure and impacts to the public health and safety of the residents and customers; and

WHEREAS, the President/CEO exercised his delegation of authority from the Board to enter into contracts that were necessary to address the subsequent breaks in the line, mitigation of the wastewater spill, by-pass pumping, engineering and cleanup efforts; and

WHEREAS, the Board finds that certain purchases and contracts remain necessary, above the President/CEO’s delegated authority, to continue to preserve and protect the public health and safety of residents, customers, and property owners and to immediately repair unforeseen damage to Utility property.

NOW, THEREFORE, BE IT RESOLVED by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas:

Section 1. That the findings and recitations set out in the preamble to this Resolution are found to be true and correct and are hereby adopted by the Public Service Board (PSB

Board) and made a part of this Resolution for all purposes.

Section 2. That, the PSB Board finds that all emergency contracts and purchases related to the Frontera Force Mains were effectuated due an emergency situation in which such contracts and purchases were necessary to protect the health, safety and welfare or the residents, customers and because unforeseen damage Utility property due to the impact of the Frontera Force Mains wastewater main failures and hereby ratifies all contracts and purchases effectuated administratively.

Section 3. That, pursuant to this Resolution, the President/CEO or designee is hereby authorized to continue to take such action and make such procurements related to the Frontera Force Mains emergency relief, both in facilities and contracts, without further PSB Board action, so as to ensure necessary and essential remediation, repair, rehabilitation and replacement of the Frontera Force Mains and to protect the health, safety and welfare of the residents, customers and property owners from the impact of the Frontera Force Mains wastewater main failures. The President/CEO or designee is directed to continue to take whatever action in his judgement is necessary, to include, but not by way of limitation, design, construction, repair, replacement and maintenance to facilities and property that resulted from the Frontera Force Mains wastewater main breaks. Because of the ongoing emergency situation, the President/CEO or designee is further authorized to enter into contracts and make purchases in accordance with the exemptions to the State competitive bidding statutes as allowed under Local Government Code Section 252.022(a), including Sections 252.022(a)(2) and 252.022(a)(3), 252.022(a)(4) and 252.022(a)(7).

Section 4. That, pursuant to this Resolution, the President/CEO or designee is authorized to enter into contracts for professional engineering services related to the Frontera Force Mains, without further PSB Board action, with the most qualified professional service provider pursuant to Chapter 2254 Texas Government Code, without a need to follow the Architect and Engineer Selection Policy procedures.

Section 5. That, pursuant to this Resolution, the President/CEO or designee is authorized to take any and all related actions, such as the negotiation and signing of contracts and termination of contracts, which are hereby authorized to protect the best interests of the wastewater system and the residents, customers and property owners.

Section 6. This Resolution and its authorization shall continue in full force and effect until amended or revoked by the El Paso Water Utilities Public Service Board, based on a determination that an urgent public necessity no longer exists to take action to construct, repair or maintain the Frontera Force Mains or to mitigate the damage to property and impact to the public.

Section 7. The President/CEO will report to the El Paso Water Utilities Public Service Board on the progress made and actions taken.

Section 8. This Resolution shall become effective immediately upon its adoption and passage.

(Signatures Begin on the Following Page)

PASSED AND APPROVED at the regular meeting of the El Paso Water Utilities Public Service Board of the City of El Paso, Texas, this 8th day of December, 2021, at which meeting a quorum was present and which was held in accordance with the provisions of V.T.C.A. Government Code, Sections 551.001, et. Seq.

**EL PASO WATER UTILITIES
PUBLIC SERVICE BOARD**

Kristina Mena, Chair

ATTEST:

Christopher Antcliff, Secretary/Treasurer

APPROVED AS TO FORM:

Daniel Ortiz, General Counsel

APPROVED AS TO CONTENT:

Gilbert Trejo, Chief Technical Officer