



**TO:** Mayor Tom Ross  
Members of the City Council

**FROM:** Jason Sorenson, Utilities Director

**DATE:** February 5, 2023

**SUBJECT: 2024 WATERMAIN IMPROVEMENTS – PROCUREMENT WAIVER (4817/4818)**

**I. RECOMMENDED ACTION**

1. Recommend council waive the procurement requirement for a purchase over \$50,000 and authorize a purchase using quotes.

**II. DEPARTMENT CONTACT PERSONS**

Jason Sorenson, Utilities Director 857-4768

**III. DESCRIPTION**

**A. Background**

Public Works is currently working through the design of two watermain replacement projects for 2024. The intent is to apply for grant funding through NDSWC and the local cost share would be funded through a ND State Revolving Fund (SRF) loan. Some of the funds for the SRF program originate from the Infrastructure Bill that was passed in 2021 and have some mandates that need to be followed. One of the components is the Build America Buy America (BABA) clause that requires projects be constructed with materials made in the USA.

**B. Proposed Project**

Most materials for a watermain replacement project are domestically produced so meeting the BABA requirements are not terribly difficult. One item was recently brought up as a concern due to delivery delays. The products that meet the BABA requirement for curb stops, risers, corps and saddles are estimated to have an 18-week delivery. Staff is requesting a waiver of procurement policy to allow a purchase for project materials using quotes in lieu of a formal bidding process. These products would usually be purchased by the contractor once a bid has been awarded.

**C. Consultant Selection**

N/A

**IV. IMPACT:**

**A. Strategic Impact:**

Purchase of these products now will enable the watermain projects to start much earlier than if the contractor supplies the materials once awarded a project.

**B. Service/Delivery Impact:**

N/A

**C. Fiscal Impact:**

Project Costs

Low Quote for Water Main Materials \$94,013.90

Project Funding

Funding in the amount of \$2,000,000 was included in the 2024 Water Distribution budget.

**V. CITY COUNCIL ASPIRATIONS**

This item achieves the aspiration of Resilient and Prepared.

**VI. ALTERNATIVES**

N/A

**VII. TIME CONSTRAINTS**

The goal is to get this project under construction early in 2024, so materials need to be available by mid-May. Materials need to be ordered ASAP to stay on schedule.

**VIII. LIST OF ATTACHMENTS**