



City of Flint

Department of Public Works

To: Joyce McClane, Purchasing Manager

From: Michael J. Brown, Interim DPW Director

Cc: Clyde Edwards, City Administrator

Date: March 31, 2021

Re: Purchase of Rowe Professional Services Company Project Management Services and FAST Start Program Phase VI

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, Governor Whitmer declared a State of Emergency across the State of Michigan. On March 12, 2020, Mayor Sheldon A. Neeley issued a Declaration of Emergency, more than one week before the first cases of COVID-19 was confirmed within Genesee County. This order declared a State of Emergency to exist in the City of Flint because of the threat of COVID-19. On March 23, 2020, the City Council approved the continuation of my declaration of a State of Emergency.

On Friday, October 5, 2020, the Michigan Supreme Court (MSC) issued an order declaring that the Emergency Powers of Governor (EPG) Act as an unconstitutional delegation of legislative authority. Subsequent orders were implemented to implement by the MDHHS pursuant to the public health code to continue orders related to public health.

As of March 31, 2021, the State of Michigan had 738,878 confirmed cases of coronavirus and 17,100 coronavirus related deaths. Genesee County had 29,985 confirmed cases of coronavirus and 779 coronavirus related deaths. The United States had 30,613,592 and 556,487 deaths.

The Flint water crisis began in April 2014, prior the COVID-19 Pandemic and still ongoing. In March of 2016, in accordance with the Concerned Pastors Settlement Agreement, the City was obligated to conduct excavations and replace lead and galvanized steel as a result of the manmade disaster created when corrosive water removed the protective coating on the inside of residents' pipes, causing poisonous lead to leach into water flowing to the resident's homes. The City received \$100 million through the Water Infrastructures Improvement for the Nation grant funds



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that were set aside by the Federal government under President Obama to replace the City's water infrastructure to remove harmful lead service lines at households in Flint. The residents have and continue to overcome many obstacles because of this crisis.

The project management of the service line replacement project is a vitality important project for removing of lead service lines from the residences of homes of Flint residents. Rowe Engineering does not have the funding available under its current contract to continue provided project management services to allow the service line exploration and replacement to continue to advance.

The service line replacement project is in its final stages. The City has excavated 26,800 service lines. Based on the excavations completed, the City has removed 9,200 that were lead or galvanized steel. There are approximately 500 service lines left to be checked as part of the project. Any delay in the resumption of project management services will potentially increase the timeframe of exposure of the residents to lead.

Whereas, the Flint City Charter, Declaration of Rights, states "the people of Flint have mandated that the City shall provide for public peace and health and for the safety of persons and property in the City; and they require that City officers promote and respect these rights and freedoms."

The following matter must be address immediately to continue to promote the public health, welfare, and safety:

I am requesting an emergency purchase of Rowe Professional Services Company Project Management Services and FAST Start Program Phase to continue the oversight of the service line replacement program. Specifically, emergency purchases are outlined in Flint City Ordinance § 18-21.9. The ordinance requires a "written rationale of the circumstances surrounding the need for an emergency purchase, the cost, and any efforts made to secure competitive prices." The following is the rationale:

1. Potential exposure of the City's residents to lead and other contaminants, because of lead and galvanized steel service lines, is a direct threat to the public health, welfare and safety. Without a project management team in place to administer, coordinate, and oversee the service line replacement program, the City has no viable means to get the lead out of Flint residents' homes and complete the service line replacement project. An emergency change order for the Rowe PSC contract will address this concern.
2. The chosen source is the best source in the interest of efficient operation to addresses this urgent need, as Rowe PSC has professionally managed this project since 2019. A change order is needed to complete the project. Rowe Engineering has the requisite experience, knowledge, and expertise to complete the project successfully and there is no time to obtain competitive



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prices for an emergency purchase for the reasons stated above without undue and unwarranted delay. An emergency change order for the Rowe PSC contract will thus enable the Service Line Replacement project to resume in a competitive, efficient, and expedient manner.

Therefore, I am requesting that Administration authorize an emergency contract in the amount of \$49,000.00 for this immediate need for work to resume on March 31, 2021 through May 31, 2021 during the COVID-19 pandemic and Water Crisis, for Rowe Engineering to oversee the project management to make sure that those remaining residents are able to get their service lines explored and replace lead and galvanized steel, removing harmful lead from their homes.