

## Legislation Details (With Text)

**File #:** 15-9627      **Version:** 1      **Name:**  
**Type:** Consent Item      **Status:** Approved  
**File created:** 11/13/2018      **In control:** City Council Business Meeting  
**On agenda:** 12/10/2018      **Final action:** 12/17/2018  
**Title:** CATS Emergency Rail Repairs

### Attachments:

Date	Ver.	Action By	Action	Result
12/17/2018	1	City Council Business Meeting	Approve	Pass

## CATS Emergency Rail Repairs

### Action:

- A. Approve the emergency repair work performed by Balfour Beatty Rail as authorized by the emergency exemption of G.S. 143-129(e)(2), and**
- B. Approve a payment in the amount of \$336,184.66 to Balfour Beatty Rail for the emergency repairs they performed on the Rail Infrastructure as a result of the storm damage from Tropical Storm Michael.**

### Staff Resource(s):

John Lewis, CATS  
Gary Lee, CATS

### Emergency Exemption

G.S. 143-129(e)(2) provides that formal bidding requirements do not apply when there is a present, immediate, and existing special emergency involving the public health and safety of people or property. City Procurement Policy requires City Council authorization of emergency payments over \$100,000.

### Explanation

- When Tropical Storm Michael passed through Charlotte on October 11, 2018, a large tree fell in the right-of-way causing considerable damage to the rail overhead catenary system for the Lynx Blue Line (Council Districts, 1 and 4).
- Due to the emergency nature of these repairs, CATS contacted the Blue Line Extension contractor, Balfour Beatty Rail, to provide the needed resources and equipment to supplement and support CATS with the repair.
- Balfour Beatty Rail deployed crews to Charlotte and aided in repairing the system, which allowed the Blue Line to resume running at full capacity while meeting all necessary testing and safety requirements.
- Balfour Beatty Rail has submitted an invoice in the amount of \$336,184.66.
- The costs incurred for the repair of property damage will be funded by the City's Risk Management Loss Fund while awaiting reimbursement from applicable insurance policies.

### Charlotte Business INclusion

This is an emergency payment and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

### Fiscal Note

Funding: Risk Management Loss Fund