

From: [Gerber, Linda \(DCP\)](#) on behalf of [DCAMM, Emergencywaivers \(DCP\)](#)
To: [Erika Mooney](#)
Cc: [John Giorgio](#); [George Pucci](#); [Kara Buzanoski](#); [Libby Gibson](#)
Subject: RE: Emergency Waiver Request - Town of Nantucket
Date: Wednesday, December 18, 2013 5:36:27 PM
Attachments: [Waiver No. 2183 Town of Nantucket.pdf](#)

Here is your Emergency Waiver No. 2183 granted today by Attorney Goldfischer.

Linda Gerber
Paralegal
Division of Capital Asset Management
One Ashburton Place
Boston, MA 02108

617-727-4050 Ext. 411

617-727-5363 Fax No.

From: Erika Mooney [mailto:EMooney@nantucket-ma.gov]
Sent: Wednesday, December 18, 2013 2:22 PM
To: DCAMM, Emergencywaivers (DCP)
Cc: John Giorgio; George Pucci; Kara Buzanoski; Libby Gibson
Subject: Emergency Waiver Request - Town of Nantucket

Dear Commissioner:

Attached is an emergency waiver request on behalf of the Town of Nantucket. Thank you for your attention to this matter.

Erika

Erika D. Mooney
Executive Assistant to the Town Manager
Town of Nantucket
16 Broad Street
Nantucket MA 02554
508-228-7266 Direct
508-228-7255 Town Administration
508-228-7272 Fax

Town and County of Nantucket
Board of Selectmen • County Commissioners

Rick Atherton, Chairman
Robert R. DeCosta
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BY ELECTRONIC MAIL – emergencywaivers@dcamm@state.ma.us

C. Elizabeth Gibson

Town & County Manager

Emergency Waiver of advertising
requirements under G.L. c. 149,
sec. 44J (6) is hereby granted on
this 10 day of December, 2013.

EMERGENCY WAIVER NO. 2183

Susan M. Goldfischer

Deputy General Counsel for Construction
Division of Capital Asset Management

Carole Cornelison, Commissioner
Division of Capital Asset Management and Maintenance
One Ashburton Place, 15th Floor
Boston, MA 02108
Attn: Office of the General Counsel

Re: Request for Emergency Waiver of Bid Requirements
Town of Nantucket, Baxter Road Erosion Control

Dear Commissioner Cornelison:

The Town of Nantucket requests an emergency waiver of bidding requirements for emergency erosion control work at and adjacent to Baxter Road. As this public works project is not subject to the bidding requirements of section 44A of chapter 149 of the General Laws, the Town seeks a waiver from the advertising requirements of section 44J(6) of chapter 149. The Town offers the following information in support of its waiver request, as outlined in the DCAMM website guidance:

1. The Town seeks a waiver from the advertising requirements of G.L. c. 149, section 44J(6) with respect to the erosion control work along Baxter Road in the Siasconset area of Nantucket.
2. A portion of Baxter Road and certain adjacent residential properties are in immediate danger of being destroyed by coastal erosion. A group of residents has formed the Siasconset Beach Preservation Fund, Inc. ("SBPF"), a Massachusetts non-profit corporation, for the purpose of erosion protection for homes and associated public infrastructure and the owners of the private properties. The SBPF is working in cooperation with the Town in connection with this current threat, including the submission of a notice of intent to the Conservation Commission for emergency work under the Town's Wetlands Protection Bylaw. In addition, the SBPF is paying the entire cost of the work. On December 10, 2013 the Department of Environmental Protection issued an Emergency Certification under the Wetlands Protection Act for the proposed erosion control work, stating that the erosion poses an immediate threat to public safety. A copy of that certification and DEP's transmittal letter are enclosed with this request.

3. While erosion is a constant threat for coastal communities and the Town of Nantucket in particular, the current imminent threat to Baxter Road and adjacent homes has only recently developed as a result of new erosion activity at Siasconset Bluff.
4. The scope of work is intended to address the immediate threat to Baxter Road and abutting residences, in particular those located at 85, 87, 91, 93, 97, 99, 101, 105, 107, and 107A Baxter Road. It includes construction of a coastal engineering structure (including installation of four 45-foot circumference geotextile tubes), as is permitted by the Conservation Commission under the Wetlands Protection Bylaw, and associated supplemental erosion protection, inspection, repairs and mitigation activities. On December 11, 2013 the Board of Selectmen voted to endorse the application to the Commission for emergency project certification.
5. The time requirements for advertising under Chapter 149 will not suffice because of the imminent threat of damage and destruction to both Baxter Road and the affected residences.
6. In a cooperative process, the Town and the SBPF will seek up to three quotes from qualified contractors to perform the work.
7. The approximate dollar value of the erosion control work is \$2.9 million.
8. The Town understands that the provisions of the Prevailing Wage Law and statutory bonding requirements will apply to this work.

The risk to Town infrastructure and several residences is real and immediate. Therefore, the Town requests that the waiver be granted.

Please contact me if you have any questions regarding this request.

Thank you.

Very truly yours,



C. Elizabeth Gibson