Town and County of Nantucket
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C. Elizabeth Gibson
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Carole Cornelison, Commissioner
Division of Capital Asset Management and Maintenance
One Ashburton Place, 15th Floor
Boston, MA 02108
Attn: Office of the General Counsel

Emergency Waiver of advertising requirements under MGL c.149 sec. 44J (6) is hereby granted on this 20th day of February 2015
Rita C. Mercado, Esq.
Deputy General Counsel
Emergency Waiver No. 2419

Re: Request for Emergency Waiver of Bid Requirements:
Town of Nantucket, Town Pier Repairs

Dear Commissioner Cornelison:

The Town of Nantucket requests an emergency waiver for emergency repair work to its Town Pier ("Pier"). As this public works project is not subject to the bidding requirements of G.L. c.149, §44A, the Town seeks a waiver from the advertising requirements of G.L. c.149, §44J(6). 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, §44J(6) with respect to emergency repair work to the Pier.
2. The Pier suffered significant damage during the blizzard that occurred on January 26-27, 2015, as set forth in the attached report prepared by the Town's consultant, GZA GeoEnvironmental, Inc. ("GZA Report"). During the storm event, the Pier was inundated by high water, waves and sustained winds causing damage to portions of the main pier, finger pier and catwalks; significant damage to the breakwater pier, including the total demolition of the pump-out shed; and damage to various other components, including the gangway timber platform, aluminum gangway, berthing rub strips on existing timber piles, ladders, light poles and the fire extinguisher box.
3. The Town has taken steps to secure the Pier by removing loose debris and boards from the area, shutting down electrical service to the Pier and prohibiting public access. However, the Pier remains in danger of further damage and possible destruction from another storm event.
4. The Pier is the only public location on Nantucket where visiting boaters can obtain water and pump out their sanitary facilities (aside from pump-out boats that provide this service). Hundreds of people utilize the Pier each day during the season,

including nearly all boaters moored in the harbor, who also use the Pier's trash facilities. Public health will be negatively affected by loss of the use of the Pier and its sanitary facilities for the boating public.

5. Moreover, the Pier is essential to Nantucket's economy. A segment of the island's fishing fleet and a number of commercial enterprises depend upon the availability of the Pier to operate their businesses. For example, three cruise ships per week during the summer season use the Pier to unload and load their passengers. The unavailability of the Pier has a significant impact on the island economy and several small, family businesses that rely on Pier access for their operations.
6. As set forth in the GZA Report, the scope of work is intended to return the Pier to its pre-storm condition. The time requirements for advertising under Chapter 149 will not suffice because of the threat of further damage to the Pier and its impact on public health and safety, as well as the impact that the unavailability of the Pier will have on Nantucket's economy.
7. The Town shall seek three (3) quotes from qualified contractors to perform the work required to bring the Pier back to its pre-storm condition.
8. The approximate dollar value of this construction work is $996,224.00, as set forth in the GZA Report.
9. The Town understands that the provisions of the Prevailing Wage Law and statutory bonding requirements will apply to this work.

The risk to the Town's infrastructure and economy 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 for your consideration.

Very truly yours,

C. Elizabeth Gibson
Town Manager

Enc.

Cc: Governor Baker
Representative Timothy Madden
Senator Dan Wolf
Nantucket Board of Selectmen
John Giorgio, Esq.