

# FY 2009-10 Emergency Supplemental Capital Construction Request

## Revenue

### Loma Port-of-Entry Repair and Abatement

**Motion:**

Approve the FY 2009-10 supplemental request for federal funds spending authority for the Loma Port-of-Entry Repair and Abatement project (\$259,683 FF), and recommend the inclusion of a footnote explaining the source of federal funds in the 2010 Long Bill.

**GENERAL INFORMATION**

2011-028

**1. Which supplemental criterion does the request meet?**

Emergency

The Department of Revenue (DOR) commenced work on this project in October 2009 in order to address the emergency mitigation of critical health and safety issues. The department is seeking immediate legislative approval in order to maintain transparency in its budget.

**2. Which projects will be restricted to fund the supplemental request?**

No restriction is necessary because the project is funded from federal sources.

**3. Has the request been approved by OSPB?**

Yes

**PRIOR APPROPRIATION AND SUPPLEMENTAL REQUEST INFORMATION**

The appropriation to be amended was authorized in the following bill: N/A 00-0000

<u>Fund Source</u>	<u>Prior Appropriations</u>	<u>Supplemental Request</u>	<u>Future Requests</u>	<u>Total Cost</u>
FF	\$0	\$259,683	\$0	\$259,683
	\$0	\$259,683	\$0	\$259,683

**REASON FOR SUPPLEMENTAL REQUEST**

This supplemental request is for informational purposes only. The department and the Governor's Office of State Planning and Budgeting request that the project be listed in the 2010 Long Bill and include the following footnote, "These federal funds are Government Services Funds from the State Fiscal Stabilization Fund of the American Recovery and Reinvestment Act of 2009."

According to the department, the east- and west-bound port-of-entry facilities at the Loma Port-of-Entry are in such poor repair that if their condition is not addressed it may lead to health issues for port officer employees and customers. Concerns with the two buildings include:

- rodent infestation;
- rapid fungal growth;
- moisture and soil gas control due to pooling water in crawl spaces;
- severe foundation settlement; and
- inadequate air ventilation systems.

The department hired outside consultants in FY 2008-09 to conduct a building assessment and air quality tests. The air quality tests were conducted in March 2009 and revealed rodent allergens, escalated levels of diesel exhaust fumes and particulates, and the presence of penicillium and aspergillus mold spores. The department believes that

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the poor air quality at the Loma port facility is already contributing to a higher-than-average utilization of sick leave. DOR conducted a comparative analysis of the average number of hours of sick leave submitted by fixed port employees statewide which revealed that, on average, Loma port employees submitted 21 more hours of sick leave per year than other fixed port employees. According to DOR, a failure to address the air quality concerns at these facilities will likely result in long-term health issues for employees and increased state costs from insurance claims and possible reparations from the state's risk management plan.

DOR says that if the deteriorating condition of its Loma port facilities is not addressed, it may be necessary to cease operations altogether, which would lead to an increased volume of overweight vehicles on state roadways and a subsequent increase in roadway damage.

#### SUMMARY OF PROJECT

The project addresses air quality concerns and structural issues at two port facilities at the Loma Port-of-Entry, which is located slightly north of I-70 about 15 miles west of Grand Junction near the Utah border. The project will remove and remediate contaminants, install a filtered ventilation system, make repairs to the buildings' foundations to correct structural damage, and improve site drainage. The department commenced work on the project in October 2009 and expects to complete the repairs by February 2010. The project will also include a final air quality test to determine whether the various contaminants have been eliminated.

#### QUESTIONS / OUTSTANDING ISSUES

1. Please provide an update of the work completed to date on this project.

*The project is currently in the procurement phase. The Department is working together with the State Purchasing and State Buildings office in the Department of Personnel to expedite this process.*

2. Where are the port officer employees housed during the repairs/remediation?

*Port Officers will remain in the Port buildings as allowed by the remediation team. It is anticipated the buildings will be un-inhabitable less than 5 days per building - at which time, the Port Officers normally housed within the Fixed Port will perform their "on-site" duties with mobile equipment from 6am to 10pm. Officers typically scheduled for 3rd shift will perform Safety Inspections during the 1st and 2nd shifts.*

3. Is the Loma Port-of-Entry still fully functional during the remediation?

*The Loma POE will be less than fully functional during the remediation; however, the Motor Carrier Services Division (MCS) anticipates the Loma Port of Entry will experience less than a 16% reduction in productivity during remediation work on the east-bound port building. The west-bound port building is operated by the State of Utah Port of Entry. A three-stage plan to redirect resources either short or long-term during any closures needed to complete this remediation project is as follows:*

#### Stage I

*During any E/B closure, staff normally scheduled to work E/B will be reassigned to the W/B Port. While Utah maintains limited operation hours, MCS will add staff to the W/B Port to supplement Utah staffing levels and keep W/B open 24/7. If there is any surplus staff, they will be used to conduct safety inspections at the W/B Port or using the Loma mobile unit.*

*During any W/B closure, E/B will host the Utah staff to do inspections and enforcement.*

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**Stage II**

*During any E/B closures, the Loma mobile unit will set up for extended hours at the E/B Mack exit on Interstate 70 approximately four miles east of the E/B Port building. Commercial traffic can be safely directed through the clearance process there and returned to the interstate with minimal inconvenience to industry. During this time, there will be space and opportunity for safety inspections at this site.*

*The Loma mobile unit will operate during daylight hours and possibly beyond if appropriate lighting can be obtained.*

**Stage III**

*During any W/B closures, the Loma mobile unit will host the Utah staff at the W/B Mack on-ramp to Interstate 70. There, the Utah staff can conduct the Utah admittance process and MCS can conduct Colorado enforcement inspections. Both Utah and Colorado staff will also conduct safety inspections on-site; if there is any surplus staff, they will be relocated to the E/B side to conduct safety inspections or conduct enforcement.*

*The Loma mobile unit will operate during daylight hours and possibly beyond if appropriate lighting can be obtained.*

4. Is the work on both the east- and west-bound port being completed concurrently or does the project address one port building at a time?

*The MCS operations plan relies on closing only one side at a time for the majority of the remediation work. It may be necessary to perform certain remediation phases (i.e. mold removal) concurrently to avoid increased costs related to specialized remediation equipment usage/transport. For most of the remediation and work requirements, closing one side at a time is vital to the operations plan and the least intrusive to the remediation project. Other options such as limiting work to weekends or night-time hours would likely raise costs to the project.*

