



County of Sonoma

State of California

Date: July 12, 2022

Item Number: _____

Resolution Number: _____

☐ 4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Declaring Its Intention To Use Road Commissioner Authority Under Public Contract Code Section 20395 For Specific 2017 and 2019 Flood Disaster Projects, And Delegating Certain Authorities To The Director Of Transportation And Public Works As To Such Projects

Whereas, Public Contract Code Section 22031(b)(1) authorizes a board of supervisors or county road commissioner to utilize the procedures set forth in Article 25 (commencing with Section 20390) of Chapter 1 of the Public Contract Code, as an alternative to the procedures set forth in the Uniform Public Construction Cost Accounting Act, for the construction, repair, or maintenance of county highways; and

Whereas, Public Contract Code Section 20395(a)(1) allows a county board of supervisors to authorize the road commissioner, or a registered civil engineer under the direction of the county director of transportation, to have work upon county highways done under their supervision by letting a contract covering both work and material to the lowest responsible bidder as provided in Article 25 (commencing with Section 20390) of Chapter 1 of the Public Contract Code; and

Whereas, Sonoma County Code Section 2-28 transfers all duties of the road commissioner to the Director of Transportation and Public Works pursuant to Streets and Highways Code Section 2006.1; and

Whereas, Sonoma County Code Section 2-357 allows the Director of Transportation and Public Works to utilize the procedures set forth in Article 25 (commencing with Section 20390) of Chapter 1 of the Public Contract Code, as an alternative to the procedures set forth in the Uniform Public Construction Cost Accounting Act; and

Whereas, the Board desires to authorize the Director of Transportation and Public Works to use the road commissioner authority under Public Contract Code Section 20390, et seq. as an alternative to the Uniform Public Construction Cost Accounting Act for the following projects: (1) Fort Ross Road, (2) Freezeout Road, (3) Moscow Road, (4) Westside Avenue, (5) Calistoga Road, (6) Fitch Mountain, and (7) Stewarts Point Skaggs Springs Road (collectively, the "Authorized Disaster Projects"); and

Whereas, in January 2017 and February 2019, the road segments listed above sustained damages as the result of the disasters and either FEMA or FHWA has authorized funding for repairs; and

Whereas, on June 2, 2020, and as memorialized in its Resolution No. 20-0200, the Board reviewed and approved the County's Road Construction Standards and other road design plans and specifications, to establish plans, designs, and other conditions and requirements for the reasonable and proper construction and improvement of county roadways and related appurtenances. Concurrent with that approval, the Board also confirmed and delegated authority to the Director of Transportation and Public Works to add conditions specific to projects, activities, and field conditions, and to approve exceptions or alternatives under certain circumstances, as necessary or appropriate, and which, in his or her official and professional judgment, would be reasonable and in accordance with accepted engineering and roadway practice consistent with best ensuring safe, long-lasting, and quality County roadways.

Now, Therefore, Be It Resolved that the Board takes the following actions:

Section 1. The Board hereby finds and declares all of the following:

- A. All of the above recitals are true and correct.
- B. The Board intends to use the authority under Public Contract Code Section 20395 as alternative to the procedures set forth in the Uniform Public Construction Cost Accounting Act for the Authorized Disaster Projects.
- C. The public interest, convenience and necessity will be served by this authorization.

Section 2. With respect to the Authorized Disaster Projects, the Director of Transportation and Public Works is authorized to prepare or direct preparation of surveys, profiles, cross-sections, plans, and specifications, as needed, notice bids, publicly open bids, award, negotiate, and execute the contracts to the lowest responsible bidder, including up to a 15% contingency, reject all bids and advertise for new bids as authorized, consider and accept or reject protests if filed, execute change orders as authorized, and take all other actions authorized under and in accordance with the procedures set forth in Article 25 (commencing with Section 20390) of Chapter 1 of the Public Contract Code.

Section 3. All work on the Authorized Disaster Projects shall conform to the County's Road Construction Standards and other approved plans and specifications, or otherwise comply with any condition, exception or alternative duly reviewed and approved by the Director of Transportation and Public Works, in accordance with Resolution No 20-0200. To the extent, if any, not already encompassed by Resolution No. 20-0200, the Director of Transportation and Public Works is further delegated all discretionary authority to approve any other plans, design, specifications, and/or working details as to the Authorized Disaster Projects which, in his official and professional judgment, is reasonable and in accordance with accepted engineering and roadway practices and standards consistent with best ensuring safe, long-lasting, and quality County roadways, for purposes of and as authorized by Government Code section 830.6 and Public Contract Code section 22039.

Supervisors:

Gorin: Rabbitt: Coursey: Hopkins: Gore:

Ayes: Noes: Absent: Abstain:

So Ordered.