



## Legislation Details (With Text)

**File #:** 2020-1324

**Type:** Consent Calendar Item      **Status:** Agenda Ready

**File created:** 12/21/2020      **In control:** Transportation and Public Works

**On agenda:** 1/26/2021      **Final action:**

**Title:** Receive Report on Required Emergency Work and Make Findings to Extend Emergency Contracting Actions and Waive Competitive Bidding Requirements Pursuant to Public Contract Code Section 22050 Due to the Glass Incident Fires

**Sponsors:** County Administrator, General Services, Transportation and Public Works

**Indexes:**

**Attachments:** 1. Summary Report

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

**To:** Board of Supervisors

**Department or Agency Name(s):** Transportation and Public Works, County Administrator, General Services

**Staff Name and Phone Number:** Johannes J. Hoevertsz 707-565-2231

**Vote Requirement:** 4/5th

**Supervisory District(s):** Countywide

**Title:**

Receive Report on Required Emergency Work and Make Findings to Extend Emergency Contracting Actions and Waive Competitive Bidding Requirements Pursuant to Public Contract Code Section 22050 Due to the Glass Incident Fires

**Recommended Action:**

That the Board of Supervisors:

- A) Receive report on required emergency work resulting from the Glass Incident Fires; and
  - B) Make findings that there is an ongoing need to continue emergency actions and for further emergency work resulting from the Glass Incident Fires; and
  - C) Continue to suspend competitive bidding requirements for emergency work.
  - D) Delegate authority to the County Administrator and designee(s) to execute such emergency contracts.
- (4/5th Vote Required)

**Executive Summary:**

This item requests the Board of Supervisors review current conditions and emergency actions taken in response to the Glass Incident Fires, and make findings to continue emergency contracting procedures and determine need to continue the emergency actions taken to date. Under the Public Contract Code, emergency actions and waivers of competitive bidding requirements undertaken pursuant to Section 22050 must be reviewed at certain initial and subsequent meetings of the public entity. As discussed below, emergency contracts continue to be necessary for directly and immediately addressing the continuing emergency conditions resulting from the Glass Incident Fires.

## Discussion:

Conditions of extreme peril to the safety of persons and property have arisen within the County of Sonoma caused by the Shady Fire, which was incorporated into the complex of fires known as the Glass Incident Fires. The Glass Incident Fires were fast-moving fires that caused wildland destruction and destroyed many structures and public facilities, and in Sonoma County burned over 67,000 acres. A proclaimed Local Emergency was ratified by the Board on October 2, 2020, and a State of Emergency in Sonoma County has been declared by Governor Gavin Newsom.

As result of the Glass Incident Fires, damages and dangerous conditions along County rights-of-way and at other properties and facilities owned or maintained by the County arose that were sudden and unexpected and which still require immediate and expedited action to prevent or mitigate the loss or impairment of life, health, property, or essential public services. These dangerous conditions include, but are not limited to: (a) the accumulation of compromised trees and other dangerous vegetation and debris, which need to be removed to protect first responders, staff and the public; and (b) damage to County owned or maintained properties and facilities, including assets at the Los Guilicos campus and various roads and waterways throughout the eastern portion of the County. For example, repairs are needed to restore water booster systems that serve the Juvenile Justice Center and Valley of the Moon Children's Home, extensive smoke and water damage needs to be mitigated in impacted buildings, and hazardous materials from burned buildings need to be immediately abated.

The County lacks the capacity and/or expertise to repair the damages or remove the dangerous conditions caused by the Glass Incident Fires in a timely manner. Even when expedited, a normal procurement process to hire needed contractors takes between two to three months from a minimum advertising period through assessing bids and awarding and executing contracts. This delay would mean that it would not be possible make repairs and remove and stabilize the damage and dangerous conditions needed to protect public health and safety in a timely manner.

Public Contract Code Section 22050 authorizes the Board of Supervisors to enter into contracts for the repair or replacement of public facilities as may be necessary to mitigate emergency conditions without giving notice for bids, and to delegate such authority to the County Administrator and other agency officers. Additionally, pursuant to Public Contract Code Section 22035, this emergency work may proceed without adopting plans or specifications.

On October 2, 2020, the Board of Supervisors adopted a Resolution in accordance with Public Contract Code Section 22050, declaring an emergency need to repair and remove dangerous conditions resulting from the Glass Incident Fires, suspending the requirement of competitive bidding, delegating authority to execute contracts for emergency work, and taking other certain actions.

Actions taken by any delegated officer pursuant to these emergency contracting procedures must be reviewed by the Board of Supervisors within specified initial time periods and at subsequent regularly scheduled meetings in accordance with statute to determine (by four-fifths vote) if there is need to continue the actions without competitive bidding. The waiver of the bid process must be terminated at the earliest possible date that conditions warrant so that the remainder of the work may be completed under the bid process.

As a result of the Glass Incident Fires, damages to critical facilities and dangerous conditions arose and continue to exist. These include the need to stabilize dangerous conditions affecting County roadways, such as hydro-seeding, debris and vegetation removal, soil and slope stabilization, and repairs to roads and associated

infrastructure. Such work is urgently needed in advance of winter rains for slope stabilization and hydro-seeding, which is a process of planting seeds that germinate quickly in fire damaged areas that are unstable due to a loss of brush and tree cover that would normally prevent erosion and slides. For example, work was recently completed on two culvert replacement contracts and hydro-seeding services.

At Los Guilicos campus, multiple assessments of utilities infrastructure, structures, and landscaping have been completed. As a result, the Building Inspector red tagged several hazardous structures. On October 2<sup>nd</sup>, staff toured the campus with representatives from the County's insurance company to prepare an initial damage claim. Infrequently-occupied buildings such as the Archives are still in the process of being cleaned from smoke damage and inspected by the County's Industrial Hygienist. An arborist has delivered their report indicating that 235 fire-destroyed trees must be removed as they threaten structures or utilities. Some trees identified as hazardous immediately proximate to structures have been removed. The cost estimate for demolition of the destroyed or damaged buildings, repairs to structure roofs and the damaged facility storm drains is expected in early January. Currently, security staff are checking identification for everyone who enters the campus and this has been effective in preventing public access to the hazardous burned areas. Staff have submitted applications for phase one and phase two debris assessments to Department of Environmental Health. As most County functions have moved back onto campus, staff are continuing to communicate via email with county tenant departments, and with non-county tenants to ensure all tenants are provided consistent communication and updates as to status of ongoing work. Staff have met scheduled milestones for re-occupancy and are continuing to work on debris and tree removal activities.

Accordingly, the requirements of public bidding contained in the Public Contract Code, should such requirements have been applicable absent an emergency, must continue to be suspended because of the existence of the damages and dangerous conditions in and along County rights-of-way and properties owned or maintained by the County.

The County Administrator will return to the Board to provide a status report for continued review of the emergency actions in accordance with Section 22050 of the Public Contract Code.

#### **Prior Board Actions:**

10/13/2020, 10/20/20, 11/10/20, 11/17/20, 12/8/20, 12/15/20 and 01/05/21: Receive Reports on Required Emergency Work and Make Findings to Extend Emergency Contracting Actions and Waive Competitive Bidding Requirements Pursuant to Public Contract Code Section 22050 Due to the Glass Incident Fires.

10/02/2020 Resolution adopted authorizing emergency contracts for repairs and dangerous conditions removal due to the Glass Incident Fires pursuant to Public Contract Code Section 22050.

#### **FISCAL SUMMARY**

| <b>Expenditures</b>                | <b>FY 20-21<br/>Adopted</b> | <b>FY21-22<br/>Projected</b> | <b>FY 22-23<br/>Projected</b> |
|------------------------------------|-----------------------------|------------------------------|-------------------------------|
| Budgeted Expenses                  |                             |                              |                               |
| Additional Appropriation Requested |                             |                              |                               |
| <b>Total Expenditures</b>          |                             |                              |                               |
| <b>Funding Sources</b>             |                             |                              |                               |
| General Fund/WA GF                 |                             |                              |                               |
| State/Federal                      |                             |                              |                               |
| Fees/Other                         |                             |                              |                               |

|                      |  |  |  |
|----------------------|--|--|--|
| Use of Fund Balance  |  |  |  |
| Contingencies        |  |  |  |
| <b>Total Sources</b> |  |  |  |

**Narrative Explanation of Fiscal Impacts:**

No known fiscal impact. Costs for all emergency related purchases and services will be submitted to the state and/or the federal government for any available reimbursement.

| <b>Staffing Impacts:</b>                       |                                        |                           |                           |
|------------------------------------------------|----------------------------------------|---------------------------|---------------------------|
| <b>Position Title (Payroll Classification)</b> | <b>Monthly Salary Range (A-I Step)</b> | <b>Additions (Number)</b> | <b>Deletions (Number)</b> |
|                                                |                                        |                           |                           |
|                                                |                                        |                           |                           |
|                                                |                                        |                           |                           |

**Narrative Explanation of Staffing Impacts (If Required):**

None

**Attachments:**

None.

**Related Items "On File" with the Clerk of the Board:**

None.