



## Legislation Details (With Text)

**File #:** 2019-0425

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

**File created:** 3/21/2019      **In control:** Transportation and Public Works

**On agenda:** 3/26/2019      **Final action:**

**Title:** Resolution Extending Emergency Contracting Actions And Waiving Competitive Bidding Requirements Pursuant To Public Contract Code Section 22050 Due To The 2019 Winter Storms And Flooding.

**Sponsors:** Transportation and Public Works

**Indexes:**

**Attachments:** 1. Summary Report.pdf, 2. Resolution .pdf

Date	Ver.	Action By	Action	Result
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**To:** Board of Supervisors  
**Department or Agency Name(s):** Various Departments  
**Staff Name and Phone Number:** Johannes J. Hoevertsz 707-565-2231  
**Vote Requirement:** 4/5th  
**Supervisory District(s):** 4 and 5

**Title:**  
Resolution Extending Emergency Contracting Actions And Waiving Competitive Bidding Requirements Pursuant To Public Contract Code Section 22050 Due To The 2019 Winter Storms And Flooding.

### Recommended Actions:

Adopt a Resolution Declaring Need to Extend Emergency Contracting Actions And Waiving Competitive Bidding Requirements Pursuant To Public Contract Code Section 22050 Due To The 2019 Winter Storms And Flooding. (4/5<sup>th</sup> Vote Required)(Fourth and Fifth District)

### Executive Summary:

This item requests the Board of Supervisors review current conditions and emergency actions taken in response to the 2019 Winter Storms and Flooding, and adopt a resolution 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 2019 Winter Storms and Flooding. This would be the second extension of these emergency contracting procedures related to this emergency event.

### Discussion:

On February 26, 2019, the Board of Supervisors declared the existence of a local emergency for the Sonoma County Operational Area due to the 2019 Winter Storms and Flooding that started on February 12, 2019, with the first of consecutive major winter storms which resulted in major flooding in Sonoma County. The Sonoma County Emergency Operations Center (EOC) was activated February 26, 2019 to assist with managing the

impacts. On February 28, 2019, Governor Newsom issued a proclamation of emergency due to these storms.

As part of the County's local emergency proclamation, competitive bidding requirements for emergency response was suspended pursuant to Public Contracting Code section 22050.

On March 12, 2019, an item was brought to this Board to explain the continuing need for emergency procurements resulting from the emergency. The Board determined that there was need to continue the emergency actions taken to date and voted to extend the emergency contracting procedures.

On March 7, 2019, your Board ratified the declaration of public health emergency previously made by the County Health Officer relating to the storms and flooding. The declaration was due to household hazardous materials and waste ("HHW") hazards and threats resulting from, among other things, HHWs being deposited and collected along roadways and designated debris collection areas. Until they are properly secured and disposed, the materials and waste pose a threat to the public and the environment (including creating serious concerns for water quality and supply). Until all clean-up is complete, HHWs remain a serious public concern.

While debris removal, road and culvert repair, and other urgent work continues under several emergency-procured contracts, County departments continue to identify additional needs for contracts that need to be procured on expedited, urgent basis, *i.e.*, without formal competitive bidding. Currently, identified needs include multiple contracts for repair, shoring, and construction on several county roads, bridges, and culverts, including on King Ridge Road, Fort Ross Road, Geyser Road, Mays Canyon Road, and Moscow Road. Urgent work is needed to repair erosion, culvert and roadway washouts, and other structural damage on these and other public roads, to ensure the continued, safe use of roadways in the affected areas, many of which are main routes of ingress and egress to remote areas. While long-term repairs and work are anticipated, the immediate repair and construction of the above-listed roadways is expected to continue through and be needed over the next several weeks.

Furthermore, assessment of needs continues. Many areas and public facilities are in the process of being assessed or have not been able to be fully accessed or assessed to date. Extensive impacts to county roadways and other transportation infrastructure continue to be encountered, including from road washouts, landslides, and debris blockages. Also, numerous locations in the affected areas have experienced land and rockslides, and other evidence of slides and slope failure issues in the hilly areas has been observed and is actively being monitored for safety concerns and further action. These concerns and needs remain in flux and may be exacerbated, since the impacted areas may experience further rains and much of the wet season remains.

The total scale and severity of the above known and yet-assessed impacts exceed the capacity and/or expertise of County departments to provide immediate response. Whereas normally outside assistance could be procured, normal contracting process for services, equipment, and materials and other property takes multiple months, due to normal procedural requirements such as minimum advertising periods, assessing bids, noticing periods, and awarding and executing contracts. Such delays would mean that it would not be possible to perform the necessary measures to protect public health, public safety, essential public services, and property in a timely manner.

Public Contract Code section 22050 authorizes the County to enter into contracts for public projects as may be necessary to mitigate emergency conditions without giving notice for bids. Additionally, pursuant to Public Contract Code Section 22035, this emergency work may proceed without adopting plans or specifications.

Actions taken pursuant to these emergency contracting procedures must be reviewed within specified initial time periods and at every subsequent meeting of the public entity 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.

#### STEPS FOLLOWING APPROVAL

Appropriate County departments will return to the Board at its next regularly scheduled meeting and as otherwise required until emergency actions are completed, to provide a status report for continued review of the emergency actions.

#### Prior Board Actions:

Feb. 26, 2019: Local Emergency Proclamation Due to The 2019 Winter Storms and Flooding

Mar. 12, 2019: Extension of Local Emergency Proclamation Due to The 2019 Winter Storms and Flooding

#### FISCAL SUMMARY

<b>Expenditures</b>	<b>FY 18-19 Adopted</b>	<b>FY19-20 Projected</b>	<b>FY 20-21 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:

Click or tap here to enter text.

<b>Staffing Impacts:</b>			
<b>Position Title (Payro</b>	<b>Monthly Salary Range (A - I Step)</b>	<b>Additions (number)</b>	<b>Deletions (number)</b>

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

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**Attachments:**

Attachment A: Resolution Suspending Competitive Bidding Due to Local Emergency

**Related Items “On File” with the Clerk of the Board:**

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