



Legislation Details (With Text)

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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 2019 Winter Storms And Flooding

Sponsors: Transportation and Public Works

Indexes:

Attachments: 1. Summary Report.pdf

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
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To: Board of Supervisors

Department or Agency Name(s): Transportation and Public Works

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

Vote Requirement: 4/5th

Supervisory District(s): Fourth, Fifth

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 2019 Winter Storms And Flooding

Recommended Actions:

That the Board of Supervisors:

- A) Receive report on required emergency work resulting from the 2019 Winter Storms and Flooding; and
 - B) Make findings that there is an ongoing need to continue emergency actions and for further emergency work resulting from the 2019 Winter Storms and Flooding; and
 - C) Continue to suspend competitive bidding requirements for emergency flooding repairs.
- (4/5th Vote Required)(Fourth and Fifth Districts)

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 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 2019 Winter Storms and Flooding.

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, and again on March 26, 2019, items were 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. This proclamation was extended by your Board on April 2, 2019.

While debris removal, road and culvert repair, and other urgent work continues under several emergency-procured contracts, TPW staff continue to assess road infrastructure and identify additional needs for contracts that need to be procured on expedited, urgent basis, *i.e.*, without formal competitive bidding. Existing and additional needs include:

- Continuing to assess and clear 110 landslides ranging in severity from minor slips to Stewarts Point-Skaggs Springs Road which was buried by approximately 12,000 cubic yards of debris blocking the road and the Gualala River. A route has been opened for emergency vehicles to pass however the area remains closed to the public.
- King Ridge Road experienced 12 landslides over a 10 mile stretch of road. Eight of these are safe to clear but four require geotechnical assessment and an engineered repair.
- Moscow Road is closed by Cassini Campground, a slide below the road has destroyed the westbound lane and continues to undermine the road. Geotechnical assessment of the slide is ongoing and extensive repair will be necessary to reopen the road.
- Mays Canyon Road bridge suffered damage to one of the abutments and a temporary repair is currently being designed.
- A retaining wall on Geysers Road has failed and an emergency repair involving the installation of sheet pile is necessary to keep the road open.
- Geotechnical assessment of Neeley Road, Timber Cove Road, and Donner Drive is ongoing and further repair/ protective work will be needed.
- A slow moving slide on Westside Avenue is currently being monitored by geologists however, this has caused four homes to be red-tagged and TPW anticipates further monitoring and remedial work may necessary at this location.

Many of these sites contain active landslides that are still unstable or actively continuing to slide.

In addition to the specific repairs described above, other 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, immediate repair and construction is expected to continue through and be needed over the next several weeks to several months.

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 several 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 subsequent meetings 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

Mar. 26, 2019: Extension of Local Emergency Proclamation Due to The 2019 Winter Storms and Flooding

FISCAL SUMMARY

| Expenditures | FY 18-19 Adopted | FY19-20 Projected | FY 20-21 Projected |
|--------------|---------------------|----------------------|-----------------------|
|--------------|---------------------|----------------------|-----------------------|

| | | | |
|------------------------------------|--|--|--|
| Budgeted Expenses | | | |
| Additional Appropriation Requested | | | |
| Total Expenditures | | | |
| Funding Sources | | | |
| General Fund/WA GF | | | |
| State/Federal | | | |
| Fees/Other | | | |
| Use of Fund Balance | | | |
| Contingencies | | | |
| Total Sources | | | |

Narrative Explanation of Fiscal Impacts:

NA

| Staffing Impacts: | | | |
|-----------------------|-----------------------------------|-----------------------|-----------------------|
| Position Title (Payro | Monthly Salary Range (A - I Step) | Additions (number) | Deletions (number) |
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| | | | |

Narrative Explanation of Staffing Impacts (If Required):

NA

Attachments:

NA

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

NA