



Legislation Details (With Text)

File #: 2019-1673

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File created: 11/4/2019 **In control:** General Services

On agenda: 11/12/2019 **Final action:**

Title: Adopt resolutions directing the Purchasing Agent to engage independent contractors and authorizing the County Administrator to contract for emergency work pursuant to the local emergency declaration for the Kincade Fire

Sponsors: General Services

Indexes:

Attachments: 1. Summary Report.pdf, 2. AttA-Resolution Directing the Purchasing Agent....pdf, 3. AttB-Resolution Authorizing Emergency Contracting...pdf

Date	Ver.	Action By	Action	Result
11/12/2019	1	Board of Supervisors	Approved as recommended	Pass

To: Sonoma County Board of Supervisors
Department or Agency Name(s): General Services Department
Staff Name and Phone Number: Caroline Judy, 565-8058
Vote Requirement: 4/5th
Supervisorial District(s): All

Title:

Adopt resolutions directing the Purchasing Agent to engage independent contractors and authorizing the County Administrator to contract for emergency work pursuant to the local emergency declaration for the Kincade Fire

Recommended Action:

Adopt Resolutions:

- A) Directing and delegating authority to the Purchasing Agent, or her designee, to engage and execute contracts with independent contractors to perform services related to the Kincade Fire emergency for the County or County officers, with or without the furnishing of material, when the annual aggregate cost per contract does not exceed \$150,000, and establishing rules and regulations to effectuate this emergency contracting, including informal bidding procedures (Majority Vote)
- B) Declaring an emergency need to remove dangerous conditions resulting from the Kincade Fire, suspending the requirement of competitive bidding, delegating authority to execute contracts for emergency work to the County Administrator or her designee, ratifying contracts executed by the County Administrator, and making a determination under the California Environmental Quality Act (4/5th Vote Required)

Executive Summary:

This item requests the Board of Supervisors adopt a Resolution directing the Purchasing Agent to enter into service agreements, up to \$150,000, to perform services related to the local emergency resulting from the Kincade Fire and recent power de-energizations, using such informal purchasing and bidding procedures which the Purchasing Agent determines will secure the best value consistent with emergency needs and to

maximize eligibility for state and federal reimbursement.

This item also requests the Board of Supervisors adopt a Resolution declaring an emergency need to remove dangerous conditions to property and facilities owned and maintained by the County resulting from the Kincade Fire, suspending the requirement of competitive bidding, delegating authority to the County Administrator or her designee to execute contracts for emergency work, ratifying contracts executed by the County Administrator, and making a determination under the California Environmental Quality Act.

Discussion:

On the night of Wednesday October 23, 2019, the Kincade Fire erupted near Geyserville in the north part of the County. Within days, the fast-moving wildfire spanned the County from Geyserville in the north down to Windsor and across to the Sonoma/Lake County line. Notwithstanding a mass mobilization of emergency responders and the assistance of needed mutual aid from a multitude of outside agencies, the Kincade Fire has caused widespread destruction, burning over 77,000 acres and destroying almost 400 structures, including over 170 homes and eleven businesses. Over 186,000 county residents were forced to evacuate due to the Fire. Full containment of the Kincade Fire is expected November 7, 2019, marking a full two weeks of the Fire's burn and increasing impacts.

The conditions of extreme peril created by the Kincade Fire were exacerbated by an unprecedented series of wind events-commencing on Tuesday, October 22, 2019, Saturday, October 26, 2019, and Tuesday, October 29, 2019, respectively-with historic maximum wind speeds and corresponding de-energization by Pacific Gas & Electric ("PG&E") of large portions of the electric grid in the Sonoma County Operational Area.

In response to the events, the Emergency Operations Center (EOC) was activated at approximately 8:00 a.m. on Wednesday, October 23, 2019, to initially assist with managing the impacts of de-energization.

Pursuant to Sonoma County Code Chapter 10 and the emergency authority permitted pursuant to Government Code Section 8630, the County's Director of Emergency Services issued a Proclamation of Existence of Local Emergency in the Sonoma County Operational Area on Thursday, October 24, 2019, which was ratified by your Board on October 31, 2019. On October 25, 2019, Governor Gavin Newsome declared state emergency due to the effects of the Kincade Fire and to the concurrent power shutdown and extreme weather conditions.

Whenever a Board of Supervisors has proclaimed a local emergency, Government Code 25502.7 allows the Board to direct the Purchasing Agent to engage independent contractors to perform services related to the local emergency for the county and county officers, within the amounts the Board may establish. Section 25502.7 further allows the Board to establish rules and regulations to effectuate this contracting authority, including provisions for informal bidding procedures. The Purchasing Agent or designee has unlimited authority to purchase goods in a disaster. The delegated authority requested will apply to service agreements only.

The Purchasing Agent's existing authority determined by Government Code covers all goods and services, and public works construction on behalf of all County departments. During normal operations the Government Code, Public Contracts Code, and other applicable laws require competitive procurement process depending on specific dollar levels for goods, services, and public works contracts.

Due to the Kincade Fire and its aftermath, there exist in the County of Sonoma conditions of clear and imminent danger that require immediate action to prevent and mitigate the loss or impairment of life, property, and the environment.

Several County departments and affiliated agencies are starting to identify urgent service contract needs due to the Kincade Fire. These include needs to stabilize dangerous conditions affecting County roadways and various infrastructure; soil and slope stabilization (waddle deployments and hydro seeding); debris and vegetation removal from ditches, flood channels, and culverts; prevention of discharge of hazardous wastes into the storm water system; and other professional services, such as low-income health care, in support of response and recovery-related services.

In order to keep ahead of urgent County needs arising out of this emergency, the General Services Department is asking your Board to provide emergency contracting authority under Government Code section 25502.7 to the Purchasing Agent and her designees for services contracts not exceeding an annual aggregate cost of \$150,000, and to authorize the Purchasing Agent to utilize informal purchasing and bidding procedures as necessitated by the emergency circumstances. The informal procedures will be those which, in the Purchasing Agent's judgment, will secure the best value consistent with emergency needs.

The standard contracting process for contracts in the amounts authorized by this action typically takes two to three months from a minimum advertising period through assessing proposals, Board of Supervisors award, and execution of the contracts. Moreover, to the extent that certain contracts may be justified on a "sole/single source" basis due to the emergency circumstances, the Sonoma County Code requires a per-contract approval and separate, signed waiver form for each contract. Approval of this Resolution will delegate authority to the Purchasing Agent to procure and execute services contracts needed due to the Kincade Fire on a streamlined basis. The Resolution requires informal bidding procedures to the extent that such procedures are feasible under the emergency circumstances.

In addition, 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. Under Public Contract Code Section 22035, this emergency work may proceed without adopting plans or specifications. The County Administrator has the unlimited authority to enter into emergency contracts for repair and replacement of public facilities in accordance with Public Contract Code Section 22050 pursuant to Sonoma County Code Section 2-351(b).

The dangerous conditions that have resulted from the Kincade Fire necessitate emergency work, which will not permit a delay resulting from competitive solicitation of bids. Accordingly, the requirements of public bidding contained in the Public Contract Code, should such requirements have been applicable absent an emergency, are suspended because of the existence of the dangerous conditions in and along County rights-of-way and properties owned or maintained by the County, but that this suspension is limited to work deemed reasonable and necessary by the County Administrator to protect life and property and the environment and to provide continuity of public services as a result of the emergency from the Kincade Fire. Furthermore, all acts by the County Administrator with respect to emergency contracting pursuant to Sonoma County Code 2-351(b) and pursuant to the Proclamation of Local Emergency for the Kincade Fire are also hereby ratified. 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.

The authority of the Purchasing Agent applies to County officers and departments.

Prior Board Actions:

October 31, 2019 - Ratification of Proclamation of Local Emergency Due to the Kincade Fire, Exacerbated by the Extreme Fire Danger Created by Successive Wind Events and Corresponding De-Energization in the Sonoma County Operational Area

FISCAL SUMMARY

Expenditures	FY 19-20 Adopted	FY20-21 Projected	FY 21-22 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:

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.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

None

Attachments:

Attachment A: Resolution directing the Purchasing Agent or designee to engage independent contractors pursuant to local emergency declaration.

Attachment B: Resolution authorizing emergency contracting and waiving competitive bidding requirements

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

None