Legislation Details (With Text)

File #:	2020-1021		
Type:	Consent Calendar Item	**Status:**	Agenda Ready
File created:	10/1/2020	**In control:**	Transportation and Public Works
On agenda:	10/13/2020	**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): County Administrator, Transportation and Public Works, General Services
Staff Name and Phone Number: Johannes J. Hoevertsz 707-565-2231 Caroline Judy 707-890-0736
Vote Requirement: 4/5th
Supervisorial 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 a 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 has been incorporated into the complex of fires known as the Glass Incident Fires. The Glass Incident Fires are fast-moving fires that have caused wildland destruction, destroyed structures and public facilities, and continue to threaten public infrastructure, and in Sonoma County, have burned over 48,000 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 have arisen along County rights-of-way and other properties and facilities owned or maintained by the County that were sudden and unexpected and pose a clear and imminent danger requiring immediate 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, 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.

At Los Guilicos campus, multiple preliminary assessments have been performed to assess damages to utilities infrastructure, structures, and landscaping. On September 30, staff toured the campus with a Building Inspector, red tagging hazardous structures. On October 2nd, staff toured the campus with representatives from the County's Insurance company to prepare an initial damage claim. A construction management firm will be engaged to perform a full assessment of the extent of infrastructure, structural and landscaping damages and to provide an independent cost estimate for demolition and reconstruction, and schedule for restoration. Due to the necessity to fully restore fire life safety infrastructure prior to any re-occupancy of the campus, it is challenging at this time to predict a schedule for re-occupancy. Restoration of electricity, power, domestic backflow water devices and other repairs likely will still be necessary in order to re-occupy and deliver services at the Los Guilicos Juvenile Justice Center and Valley of the Moon Children's Home.

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.

In an effort to consolidate emergency response and recovery oversight, this item clarifies that authority for executing such emergency contracts pursuant to these actions is delegated to only the County Administrator and her designee(s).

Prior Board Actions:
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

Expenditures	**FY 20-21 Adopted**	**FY21-22 Projected**	**FY 22-23 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:
None

Related Items "On File" with the Clerk of the Board:
None