



## Legislation Text

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**File #:** 2019-0348, **Version:** 1

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**To:** The Board of Supervisors of the County of Sonoma  
**Department or Agency Name(s):** Emergency Management and all County Departments  
**Staff Name and Phone Number:** Chris Godley  
**Vote Requirement:** 4/5th  
**Supervisory District(s):** All

**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

**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.

**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.

Multiple contracts have now been awarded pursuant to these emergency procurement procedures, *i.e.*, without formal competitive bidding. These contracts include nine (9) contracts with heavy equipment operators and construction firms for immediate clearing and disposing of soils, rocks, and vegetation debris that collected on roadways and in drainage facilities due to the floods, landslides, and washouts. Clearing and disposal under these contracts is occurring daily to clear roadways and drainages as soon as possible, and additional tasks are initiated as flood waters recede, new slides and debris deposits are discovered, and additional roadways are

accessed. With these contracts in place and contractor equipment and personnel mobilized and deployed in the areas, roadways and facilities can be cleaned and secured as soon as conditions allow. While long-term repairs and work is anticipated, immediate repairs, debris removal, and other urgent work is expected to continue through and be needed over the next several weeks.

Furthermore, assessment of needs continues. Many areas and conditions are in the process of being assessed or have not been able to be fully accessed or assessed to date. Already, emergency services have been needed to serve displaced Sonoma County residents (numbering in the thousands), including providing evacuations, sheltering, and recovery assistance. Initial assessments of affected areas indicate extensive flood, rain, and debris impacts to numerous houses, business, and other important assets, including around 1,900 homes and 600 businesses. 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 continue to receive rains and much of the wet season remains. In addition, due to the scale of the impacts and affected area, not all damages have been assessed yet and other impacts will not be known until all flood waters and rain runoff recede.

Moreover, on March 5, 2019, the County Health Officer declared a public health emergency for the flooded areas of the County due to household hazardous materials and waste hazards and threats. Much of this household hazardous materials and waste is being deposited and collected along roadways and designated debris collection areas. The materials and waste pose a threat to the public and the environment (including creating serious concerns for water quality and supply) until properly secured and disposed.

While damage and need assessment will remain ongoing, the following are some of the needs that have been identified based on current situational awareness:

1. For public health, public safety, and environmental reasons, Transportation and Public Works is assessing and formulating ways to collect, deposit, and properly dispose of private waste resulting from the floods, which includes obtaining debris collection bins, equipment and operators for properly loading those bins, and transporting filled bins for disposal at proper sites;
2. For right of way access and ensuring transportation, Transportation and Public Works is assessing and formulating ways to remove and dispose of soils, rocks, and vegetation, and other debris that collected on roadways and in drainage facilities due to the floods, landslides, and washouts;
3. Transportation and Public Works and Regional Parks are assessing various land and rock slide areas (some of which may remain active) and may need engineering, excavation, and other resources to effectively mitigate or remove slides from impacting roadways, access routes, and other identified areas; and
4. For purposes of coordinating with federal agencies and qualifying for potential funding and other resources, consultants may be procured to assist with, among other things, identifying federal opportunities, conveying information, and required documentation assistance.

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

#### 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:

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

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

NA

**Attachments:**

Attachment A: Resolution Suspending Competitive Bidding Due to Local Emergency

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

NA