



## Legislation Text

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**File #:** 2019-1505, **Version:** 1

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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

**Supervisorial District(s):** Fourth and 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 Action:**

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 and storm-related repairs and winterization activities.

(4/5 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, when the first of consecutive major winter storms struck Sonoma County ultimately resulting in major flooding in the 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 declaring a state of emergency due to these storms. As part of the County's local emergency proclamation, competitive bidding requirements for emergency response were suspended pursuant to Public Contract Code section

22050.

Starting on March 12, 2019, this Board has reviewed the continuing need for emergency procurements resulting from the emergency as required by Public Contract Code section 22050. Each time such requests for extension have been brought, your Board has 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:

- Reopening Skaggs Springs Road and Bohemian Hwy. to normal traffic. This includes the removal and disposal of a large quantity of debris and activities necessary to make the roads safe for the public to use.
- Winterization and temporary stabilization of at least five sites. Coleman Valley Road, King Ridge Road, Geysers Road, Neeley Road, and Donner Road suffered multiple slip-outs. Several of these sites have active slides that continue to pose a risk. These sites require temporary stabilization work to ensure the roads remain safe and passable through the winter and that no further damage occurs.

A slow moving slide on Westside Avenue continues to be monitored by geologists and has caused four homes to be red-tagged which means the homes are deemed uninhabitable. TPW anticipates further monitoring and that remedial work may become necessary at this location. Many of these sites contain active landslides that are still unstable or actively continuing to slide, which means that assessment needs remain on-going and full assessment and repair must be timed to when conditions stabilize.

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.

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:**

“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” on the following dates:

September 24, 2019

July 23, 2019

July 9, 2019

June 11, 2019

May 21, 2019

May 14, 2019

April 30, 2019

April 16, 2019

April 9, 2019

March 26, 2019: Adopt 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

March 12, 2019: Adopt 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

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

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 19-20 Adopted</b>	<b>FY20-21 Projected</b>	<b>FY 21-22 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:**

None

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

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

None

**Attachments:**

None

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

None