

MONTEREY COUNTY BOARD OF SUPERVISORS

MEETING: July 27, 2010 – Consent	AGENDA NO.: 73
SUBJECT: a. Adopt a resolution finding that the damages caused by recent flooding discovered on July 19, 2010, in the North Wing of the Salinas Courthouse poses an emergency requiring immediate action without adopting plans and specifications or giving notice for bids to let the contracts; and ratifying the execution of emergency contracts and emergency actions taken by the Contracts/Purchasing Officer or his designee to respond to the emergency; and delegating authority to the Contracts/Purchasing Officer or his designee to execute additional emergency contracts as necessary (4/5 th vote required); and b. Authorize the Auditor-Controller to move appropriations within appropriation Unit RMA015, Fund 404, Unit 8174 from Account 7521 – Undesignated – Needs Board Approval to Account 7551 – Construction in Progress to finance the emergency costs (4/5 th vote required).	
DEPARTMENT: RMA - Public Works	

RECOMMENDATIONS:

It is recommended that the Board of Supervisors:

- a. Adopt a resolution finding that the damages caused by recent flooding discovered on July 19, 2010, in the North Wing of the Salinas Courthouse poses an emergency requiring immediate action without adopting plans and specifications or giving notice for bids to let the contracts; and ratifying the execution of emergency contracts and emergency actions taken by the Contracts/Purchasing Officer or his designee to respond to the emergency; and delegating authority to the Contracts/Purchasing Officer or his designee to execute additional emergency contracts as necessary (4/5th vote required); and
- b. Authorize the Auditor-Controller to move appropriations within appropriation Unit RMA015, Fund 404, Unit 8174 from Account 7521 – Undesignated – Needs Board Approval to Account 7551 – Construction in Progress to finance the emergency costs (4/5th vote required).

SUMMARY/DISCUSSION:

On July 19, 2010, water damage was discovered at the eastern portion of the North Wing of the Courthouse building due to unexpected flooding that occurred over the preceding weekend. Immediate action was required to be taken to preserve the damaged areas of the building and to prevent any further damage from occurring. The Chief Administrative Officer proclaimed the existence of an emergency as defined by Public Contract Code Section 1102 and thereafter authorized the commencement of remediation work. This emergency does not permit a delay resulting from a competitive solicitation for bids, and immediate emergency action was necessary to limit the extent of the damages and respond to the emergency. It may be necessary for the County to enter into additional emergency contracts for remediation and restoration work, as well as to determine the cause of the flooding incident and to take steps to prevent any further occurrences.

Public Contract Code 1102 defines an emergency as “a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or

impairment of life, health, property, or essential public services.” The Public Contract Code allows for the Board to declare an emergency and authorize the repair or replacement of a public facility. Public Contract Code Section 22050 requires that findings based on substantial evidence must be made that the emergency will not permit delay resulting from a competitive solicitation of bids, and that the action is necessary to respond to the emergency, by a four-fifths vote of the Board. Public Contract Code Section 20134 further provides that in cases of emergency, repairs that are necessary to permit the continued conduct of county operations or services may proceed at once with the majority consent of the Board of Supervisors without adopting plans and specifications, and without giving notice for bids to let contracts. Review by the Board of the emergency action is required until the action is terminated to determine whether there is a need to continue the action. The Department will return to the Board at the next regularly scheduled meeting for this purpose.

Immediate action was required to remediate existing damage and prevent further damage caused by the flooding of the eastern portion of the North Wing of the Salinas Courthouse, and restore the building to a safe condition for the scheduled re-occupancy of the Superior Court of California, County of Monterey, planned for October 2010. If the action had not been taken, irreparable damage to the building may have occurred.

So far, the County has used existing contractors to perform some of the remediation work and has additionally retained Belfor Property Restoration. The remediation work includes draining of water; removal of carpet, damaged ceiling tiles and insulation; removal of furniture; dehumidification and mechanical ventilation and investigation of any potential impact to the construction, tenant improvements and furniture. The Contracts/Purchasing Officer is working to formalize the agreement with Belfor Property Restoration.

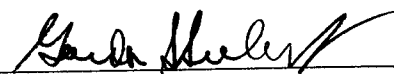
OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed and approved the procedures for finding the need for declaration of the emergency action. Contracts/Purchasing concurs with this recommendation for emergency action.

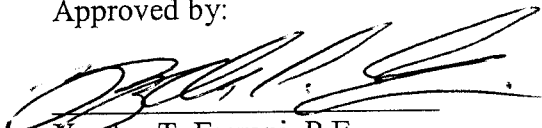
FINANCING:

There will be no impact to the General Fund or to the North Wing Renovation project’s budget because of this action. The emergency costs will be financed by the Facilities Master Plan Implementation Fund, Fund 404, Appropriation Unit RMA015, where there are sufficient appropriations to cover the costs. Staff will pursue any potential reimbursement opportunities that might be available.

Prepared by:


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Architectural Services Manager

Approved by:


Yazdan T. Emrani, P.E.
Director of Public Works

Dated: July 23, 2010

Attachments: Board Order; Board Resolution; Location Map