

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No.

Adopt a Resolution:

- a. Declaring an emergency as defined by California Public Contract Code Section 1102 due to the urgent need to mitigate potential impairment of employees' health in the Probation Department's Juvenile Division office located at 1422 Natividad Road in Salinas, CA;
- b. Finding that the time-critical nature of the work will not permit a delay resulting from a formal solicitation of bids and that the action is necessary to respond to the emergency;
- c. Finding that emergency work at 1422 Natividad Road in Salinas, CA is necessary to permit the continued conduct of county operations or services; and
- d. Authorizing the Contracts/Purchasing Officer, or his designee, to enter into contracts and issue purchase orders to accomplish the required emergency work, and ratifying the execution of emergency contracts and actions taken by the Director of Public Works, or his designee, to respond to the emergency (4/5ths vote required).

WHEREAS, California Public Contract Code Section 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"; and

WHEREAS, Public Contract Code section 22050 authorizes the County to repair or replace a public facility as well as take any directly related and immediate action to address an emergency, and requires that findings based on substantial evidence must be made that the emergency will not permit delay resulting from a competitive bid solicitation, and the action is necessary to respond to the emergency, by a four-fifths vote of the Board; and

WHEREAS, 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; and

WHEREAS, immediate action is needed for continuity of essential public services provided by Probation Department's Juvenile Division office located at 1422 Natividad Road in Salinas, CA.

NOW THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors of Monterey County hereby:

1. Finds that the foregoing facts are true and correct.

2. Declares that an emergency as defined by Section 1102 of the California Public Contract Code existed, justifying the performance of work at 1422 Natividad Road in Salinas, CA, without adopting plans and specifications, and without giving notice for bids to let contracts.
3. Finds that emergency work is necessary to permit the continued operation of county operations or services.
4. Authorizes the Contracts/Purchasing Officer, or his designee, to execute emergency contracts and issue purchase orders as necessary.
5. Ratifies the emergency contracts and actions taken by the Director of Public Works, or his designee, to respond to the emergency.