

MONTEREY COUNTY BOARD OF SUPERVISORS

MEETING:	July 21, 2009 – Consent	AGENDA NO.: 39
SUBJECT:	a. Adopt a resolution finding that the repairs and renovations in various shower stalls of the Monterey County Adult Detention Facilities, located at 1410 Natividad Road, Salinas continues to pose an emergency, requiring immediate action without adopting plans and specifications and giving notice for bids to let contracts; and b. Adopt a resolution ratifying the execution of emergency contracts and emergency actions taken by the Contracts/Purchasing Officer, or his designee, to respond to the emergency (4/5th vote required).	
DEPARTMENT:	RMA – Public Works	

RECOMMENDATIONS:

It is recommended that the Board of Supervisors:

- a. Adopt a resolution finding that the repairs and renovations in various shower stalls of the Monterey County Adult Detention Facilities, located at 1410 Natividad Road, Salinas continues to pose an emergency requiring immediate action without adopting plans and specifications and giving notice for bids to let contracts; and
- b. Adopt a resolution ratifying the execution of emergency contracts and emergency actions taken by the Contracts/Purchasing Officer, or his designee, to respond to the emergency (4/5th vote required).

SUMMARY/DISCUSSION:

On August 28, 2007, under Sections 20134(a) and 22050 of the Public Contract Code, the Board proclaimed the existence of an emergency as defined under Section 1102 of the California Public Contract Code for the Monterey County Adult Detention showers facilities. Under Section 22050 (c) (1) of the California Public Contract Code, the Board of Supervisors is required to review the need to continue the emergency action at least every 14 days, until the emergency action is terminated.

Public Contract Code Sections 20134(a) and 22050 provide that when an "Emergency," as defined by Public Contract Code Section 1102 exists, the Board or an agency officer so authorized by the Board, may proceed, through the use of day labor or contracts, or a combination thereof, to replace or repair any and all structures as necessary to permit the continued conduct of County operation of services, without adopting plans and specifications and giving notice for bids to let contract, provided that such action be approved by a 4/5th vote of the Board and provided that the Board make a finding that the emergency does not permit a delay resulting from a competitive solicitation for bids and that the action is necessary to respond to the emergency. A list of emergency contracts that have been executed to date by the Contracts Purchasing Officer is attached for ratification by the Board.

An "Emergency," as defined under Section 1102 of the California Public Contract Code, means "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."

Declare Emergency – Monterey County Adult Detention Shower Facilities

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During a routine inspection of the Monterey County Adult Detention Facility, it was noted that several of the shower stalls in the women's and men's showers were leaking into the housing units causing serious water damage to underlying areas. Immediate repairs were required and have commenced, pursuant to the Board of Supervisors' actions declaring that this is emergency work, to prevent further damage. After construction commenced, contamination was discovered which underscores the existence of an emergency and which has required continuing environmental remediation and monitoring to an extent that was not originally contemplated.

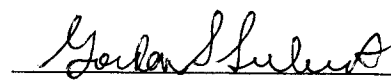
OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed and approved the procedures for finding the need for an emergency action. The County Office of the Sheriff and the State of California Corrections Standard Authority were consulted and concur with this emergency action. In addition, the Monterey County Office of Sheriff, the CAO-Budget and Analysis Division, and the RMA participated in discussions of the transfer of funding.

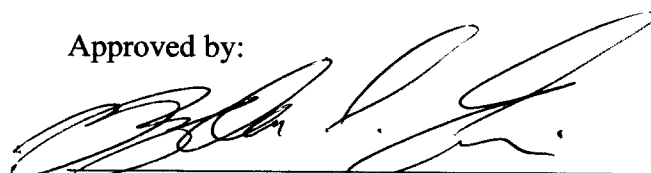
FINANCING:

The budget for the project was amended to \$1,600,000 by Board action on December 16, 2008. Expenditures through June 4, 2009 equal \$1,244,746. A request for an additional \$400,000 has been submitted for FY 2009-10 funding to allow for completion of this project. Amendments to Professional Services Agreements were or will be executed to use the approved additional funding to complete the project.

Prepared by:


Gordon S. Siebert, P.E.
Architectural Services Manager

Approved by:


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

Dated: July 10, 2009

Attachments: Board Order; Board Resolution; List of Emergency Agreements; Location Map