

MONTEREY COUNTY BOARD OF SUPERVISORS

MEETING: May 24, 2011 – Consent

AGENDA NO.: 51.1

- SUBJECT:** Adopt a resolution:
- a. Declaring an emergency as defined by California Public Contract Code Section 1102 due to the closure of Blackie Road at the railroad crossing near Del Monte Avenue, located in Castroville, CA;
 - b. Finding that the emergency 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 the repairs are necessary to permit the continued conduct of county operations or services;
 - d. Authorizing emergency pavement rehabilitation on Blackie Road Castroville CA, without adopting plans and specifications and giving notice for bids to let contracts;
 - e. Authorizing the Director of Public Works, 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 (4/5th vote required); and
 - f. Terminate the emergency to implement the pavement rehabilitation on Blackie Road, Castroville, CA.

DEPARTMENT: RMA – Public Works

RECOMMENDATIONS:

It is recommended that the Board of Supervisors adopt a resolution:

- a. Declaring an emergency as defined by California Public Contract Code Section 1102 due to the closure of Blackie Road at the railroad crossing near Del Monte Avenue, located in Castroville, CA;
- b. Finding that the emergency 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 the repairs are necessary to permit the continued conduct of essential county operations or services;
- d. Authorizing emergency pavement rehabilitation on Blackie Road, Castroville CA, without adopting plans and specifications and giving notice for bids to let contracts;
- e. Authorizing the Director of Public Works, 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 (4/5th vote required); and
- f. Terminate the emergency for the pavement rehabilitation on Blackie Road, Castroville, CA.

SUMMARY/DISCUSSION:

Union Pacific Railroad is updating and repairing a number of the railroad crossings throughout the County of Monterey. Due to the extent of the railroad crossing repairs, typically the entire road is closed to safely remove the tracks and the pavement adjacent to the tracks. In this particular case, the closure of Blackie Road required the pavement rehabilitation work to be done as expeditiously as possible to minimize the disruption to the Community of Castroville. Also, the industrial nature and heavy truck traffic in this area of Castroville added to the complexity of the traffic handling and detour plan. Necessary preparatory work to the detour route was undertaken in order to provide a safe detour route for commercial line trucks and the general motoring public on the identified detour route. The Department of Public Works contracted

with Graniterock Company, dba Pavex Construction Division, to assist with the pavement rehabilitation work, flagging and signage along the detour route.

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." The Public Contract Code specifically allows for the Board to declare an emergency and authorize the repair or replacement of a public facility. In the case of an emergency, Public Contract Code Section 22050 authorizes immediate repairs and related actions, 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, through the use of day labor, contracts, or both.

The condition described herein meets the definition of an emergency as defined by Public Contract Code Section 1102; does not permit a delay resulting from a formal solicitation for bids, and allows immediate action as necessary to respond to the emergency conditions. Due to the emergency nature of this issue, proceeding with the normal plans and specifications development, approval, and bidding procedures would cause a delay and interruption of county services, as well as pose a health and safety issue. Because the work is substantially complete, staff recommends the emergency be terminated.


OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed and approved the procedures for finding the need for an emergency action, and the emergency contract. Risk Management reviewed the insurance provisions in the proposed emergency contract.


FINANCING:

There is no impact to the General Fund. The emergency contract with Graniterock Company is estimated to not to exceed \$80,000.00. There are sufficient appropriations in the Road Fund (Fund 002, Unit 8195) to finance this project. Financing for this Project will be funded by the Road Fund.

Prepared by:


Enrique Saavedra, (831) 755-8970
Sr. Civil Engineer

Approved by:


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

Dated: May 23, 2011

Attachments: Board Resolution; Location Map