



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: RES 13-004, **Version:** 1

Adopt a Resolution:

- a. Finding that there was sufficient cause to take actions on an emergency basis to implement necessary repairs to a 48-inch culvert pipe across Carmel Valley Road near Laurel Drive, located in Carmel Valley, CA;
- b. Ratifying the execution of emergency contracts, purchase orders, and emergency actions taken by the Director of Public Works, or his designee, in response to the identified emergency (4/5th vote required);
- c. Authorizing the Director of Public Works to terminate the emergency to repair the 48-inch culvert pipe across Carmel Valley Road near Laurel Drive, located in Carmel Valley, CA when all the improvements are complete; and
- d. Authorizing the Director of Public Works to Accept the Improvements and file a Notice of Completion.
(ADDED VIA ADDENDUM)

RECOMMENDATIONS:

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

- a. Finding that there was sufficient cause to take actions on an emergency basis to implement necessary repairs to a 48-inch culvert pipe across Carmel Valley Road near Laurel Drive, located in Carmel Valley, CA;
- b. Ratifying the execution of emergency contracts, purchase orders, and emergency actions taken by the Director of Public Works, or his designee, in response to the identified emergency (4/5th vote required);
- c. Authorizing the Director of Public Works to terminate the emergency to repair the 48-inch culvert pipe across Carmel Valley Road near Laurel Drive, located in Carmel Valley, CA when all the improvements are complete; and
- d. Authorizing the Director of Public Works to Accept the Improvements and file a Notice of Completion.

SUMMARY/DISCUSSION:

The rain runoff from the recent storms caused a 48-inch diameter culvert pipe crossing Carmel Valley Road to fail. The pipe failure was further precipitated by the age and poor condition of the pipe. The pipe failure washed the adjacent soil and created a sharp drop-off, undermined a portion of the paved road section, and exposed underground telephone utilities. Immediate action was necessary given the forecast for additional rains to address the dangerous situation to the traveling motorist. The Resource Management Agency - Public Works contracted with Monterey Peninsula Engineering, to repair the culvert, restore the roadway embankment and pavement, and perform the necessary flagging and signage to complete the work safely.

An "Emergency," as defined under Section 1102 of the California Public Contract Code (CPCC), 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." CPCC Section 20395 provides that in any county with a road commissioner, the board may authorize the road commissioner to have work on county highway done under his supervision by letting contracts without advertising for bids when emergency work is necessitated for imminent storm damage and the public interest and necessity demand immediate action to safeguard life, health, or property.

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 pose a dangerous situation to traveling motorists. Because the only remaining work is the permanent paving, staff recommends the emergency be terminated.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed and approved the procedures for finding the need for an emergency action. Due to the late submission of this Board Report, the CAO Budget and Analysis Division was not provided adequate time to fully review for potential fiscal, organizational policy, or other implications to the County of Monterey.

FINANCING:

There is no impact to the General Fund. The emergency contract with Monterey Peninsula Engineering has a not to exceed value of \$100,000. However, at the time of drafting this report the emergency work was 95% complete and it is anticipated that the final cost will be approximately \$50,000. 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, P.E., Senior Civil Engineer, (831) 755-8970

Approved by:

Robert K. Murdoch, P.E., Director of Public Works

Benny J. Young, RMA Director

Dated: January 7, 2013

Attachments: Resolution; Location Map