



County of Monterey

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

Board Report

File #: RES 13-041, **Version:** 1

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).

RECOMMENDATION:

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 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).

SUMMARY/ DISCUSSION:

The county facility located at 1422 Natividad Road in Salinas, CA currently houses Probation's Juvenile Division. Probation has initiated a project of remodeling the Second Floor area with new paint and flooring, prior to relocation of staff. During the remodel, the presence of asbestos was discovered in the floor of an enclosed area, the employees' break room. Immediate remedial action was taken to ensure that the asbestos was abated and could not pose a potential hazard to occupants, and that the much needed staff relocation project could proceed.

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. Public Contract Code Section 20134 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 and allows immediate action as necessary to respond to the emergency conditions.

Based on the forgoing, the Resource Management Agency - Public Works (RMA-PW) has authorized DMC Construction, Inc. to proceed with the asbestos abatement for "cost to not exceed" amount of \$4,790.23. All work performed by DMC Construction, Inc. has been done in accordance with applicable building codes and safe construction management practices. It is anticipated that this action will also allow the remainder of the project to be completed, and for the timely relocation of staff from the lower floor.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed and approved the procedures for finding the need for an emergency action and emergency contract. Resource Management Agency's Public Works has reviewed the emergency action and concurs.

FINANCING:

There is no impact on the general fund. Activities associated with this emergency for \$4,790.23 will be absorbed within the funds allocated for Probation's remodel project in Probation's budget for FY 2012-13.

Prepared by: Marisa Fiori, Management Analyst III, ext. 1100

Approved by: Manuel Real, Chief Probation Officer, ext 3913

Attachments:
Resolution