



Agenda Date: 10/17/2006
Agenda Placement: 6E

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Michael Stoltz for Robert Peterson - Director
Roads Department
REPORT BY: Juan Arias, PRINCIPAL PUB WORKS ENGINEER , 259-8374
SUBJECT: County Roads Storm Damage - Update on Emergency Contracting

RECOMMENDATION

Director of Public Works requests the following actions regarding Priority One 2005/2006 winter storm and flood road repairs:

1. Review of the award of construction contracts, if any, to date by the Director of Public Works for Priority One winter storm and flood road projects pursuant to Public Contract Code Sections 20134(a) and 22050;
2. Make the following findings:
 - a. That the condition of the Priority One roads damaged by the 2005-2006 storms and floods continues to deteriorate from ongoing breakdown, subsidence and slope failures creating an ongoing emergency in that this essential public infrastructure may become unusable if it is not fully repaired prior to the onset of the 2006-2007 rainy season;
 - b. That the one emergency contract awarded to date will be addressing only a portion of the problems;
 - c. That the overall repairs cannot be completed prior to the onset of the rainy season if delayed by the lengthy procedures required to formally adopt plans and specifications and solicit competitive bids for all of the repair work required;
3. Continue authorization for the Director of Public Works to acquire all necessary materials, supplies, equipment and labor by direct purchase, force account, or emergency contracts awarded without adoption of plans and specifications and solicitation of competitive bids, as he determines appropriate to complete the work (4/5 vote required); and
4. Direct the Director of Public Works to prepare an agenda item for a regular meeting of the Board no later than 14 days from the date of this meeting to review the need to continue these emergency actions.

EXECUTIVE SUMMARY

On August 22, 2006 the Board made emergency findings and authorized the Director of Public Works to award emergency contracts pursuant to Public Contract Code Sections 20134(a) and 22050 for Priority One 2005/2006 winter storm and flood road repairs as soon as necessary geotechnical studies for each project were complete enough to determine the scope of the work required. Public Contract Code Section 22050 (c)(2) requires that the

Board review the emergency actions taken by the Director of Public Works at a regular meeting of the Board no later than 14 days after the action is taken to determine by a 4/5 vote if there is a need to continue the action, with further review at regular Board meetings at no less than 14 day intervals thereafter until the action is terminated.

The emergency actions were reviewed on October 3 and a new review is required on October 17.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Roads 2006/2007 budget. The highest priority projects have been previously authorized by the Board to be completed prior to Federal Emergency Management Agency (FEMA) funding approval.
Is it Mandatory or Discretionary?	Mandatory
Is the general fund affected?	Yes
Future fiscal impact:	To the extent that FEMA or Federal Highway Administration (FHWA) will not cover the full cost of repairs, the General Fund may be asked to loan funds to the Road Fund to cover the cost of Priority 1 repairs, with the understanding that the General Fund will be repaid as Road Fund revenues from whatever sources become available. At this point in time, it should not be assumed that FEMA nor FHWA will provide for full cost of repairs.
Consequences if not approved:	If Priority One projects are not completed before the upcoming winter, staff believes there is a significant chance that existing conditions could worsen causing potential impacts to the public roads and/or nearby structures and habitations.

Additional Information:

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: This action is exempt from the requirements of the California Environmental Quality Act pursuant to 14 California Code of Regulations Section 15269 (c) [specific actions necessary to prevent or mitigate an emergency] and (d) [projects undertaken, carried out or approved by a public agency to maintain, repair, or restore (but not involving expansion or widening) existing highways damaged by flood, storm, land subsidence, gradual earth movement or landslide where the project is within the existing right-of-way of that highway and is initiated within one year of the damage occurring].

BACKGROUND AND DISCUSSION

On August 22, 2006 the Board made emergency findings and authorized the Director of Public Works to award emergency contracts pursuant to Public Contract Code Sections 20134(a) and 22050 for Priority One 2005/2006 winter storm and flood road repairs as soon as necessary geotechnical studies for each project were complete enough to determine the scope of the work required. Public Contract Code Section 22050 (c)(2) requires that the Board review the emergency actions taken by the Director of Public Works at a regular meeting of the Board no

later than 14 days after the action is taken to determine by a 4/5 vote if there is a need to continue the action, with further review at regular Board meetings at no less than 14 day intervals thereafter until the action is terminated.

On October 3, 2006 the Board:

- | Reviewed the Director's award of the first flood repair contract "Silverado Trail MPM 17.6 Emergency Repairs Project, PW 06-20" to Thunder Mountain Enterprises, Inc. of Sacramento, CA in the amount of \$80,000.
- | Confirmed the facts constituting the continuing nature of the emergency
- | Continued Board authorization for the Director to accomplish the remaining repairs through force account or contracts awarded under Public Contract Code Sections 20134 and 22050, and
- | Directed the Director of Public Works to schedule a review of the emergency circumstances at the next regular board meeting no later than 14 days after October 3.

At the time that this agenda item was submitted, it was anticipated that no additional Priority One emergency construction repair contracts will have been executed by the Director of Public Works between October 3, 2006 and October 17, 2006; therefore no review of contracts is necessary by the Board at the October 17th meeting.

The following actions are now required so as to continue the authority of the Director of Public Works to execute Priority One flood repair contracts:

The first item is the Director's review with the Board of the current status of the emergency and the steps which have been and are proposed to be taken to repair the damage and mitigate the hazards. In this case that review will consist of the need for the award in immediately following days of additional emergency contracts for the remaining Priority One projects.

The second item contains the factual findings which must be included in the Board minutes whenever Public Contract Code Section 22050 is invoked and explains why the need for emergency action still continues.

The third item renews the Board's authorization to the Director of Public Works to acquire supplies, equipment and labor, by force account or contract let without adoption of plans and specifications and solicitation of competitive bids, to the extent needed to promptly repair the damage and reduce or eliminate the hazards created by the condition of the Priority One roads.

The fourth item directs that the Priority One emergency situation be scheduled for further review at a regular meeting of the Board held no later than this meeting unless the emergency has terminated prior to that date.

The Director of Public Works will return to the Board once again on October 24th for review of any construction contracts executed by the Director and for continuation of the items required to continue giving him authority to contract for emergency work.

When the repairs are successfully completed on each of the Priority One projects, the Director of Public Works will request the Board to terminate the emergency as to each specific project as part of his request for approval of the filing of Notices of Completion for all of the emergency contracts involved with that particular project.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Andrew Carey