



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 3/22/2016

Agenda Placement: 6X

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Steven Lederer - Director of Public Works
Public Works

REPORT BY: Frank Lucido, ENGINEERING SUPERVISOR - 259-8377

SUBJECT: Review and Ratify Jail Water Tank Replacement Emergency Contract, PW 15-15E

RECOMMENDATION

Director of Public Works requests the following regarding the "Napa County HOJ Emergency Water Heater Replacement, PW 15-15E":

1. Review and ratify the County Executive Officer's authorization of replacement of a jail water heating system in the Hall of Justice in conformance with Public Contract Code Section 22050(c)(2); (4/5 vote required)
2. Find that there is a need to continue the emergency replacement of the jail water heating system; and (4/5 vote required)
3. Find that public bidding would not have produced an advantage and would have been inappropriate, impractical, and not in the County's best interest due to the circumstances discussed in this Board item.

EXECUTIVE SUMMARY

The water tank that controls the distribution of hot water to the Hall of Justice (HOJ) unexpectedly failed on Friday, March 4, 2016, and although temporary repairs have been made the patches are not anticipated to hold for a long period of time. Loss of the water tank for any extended period of time would necessitate relocation of approximately 35 inmates currently housed in the basement of the Hall of Justice. Since the jail has limited additional capacity due to the earthquake, this will most likely result in relocating those inmates to Solano County. Additionally, any delay in replacing the water tank with a reliable system would delay the Board of State Community Corrections (BSCC) approval necessary to allow for the anticipated return of approximately 100 Napa County inmates that were previously relocated to Solano County. Currently, the BSCC inspection is scheduled for March 24th. These inmates are anticipated to return in April as a result of the County's completion of earthquake repairs on the Third Floor and exterior of the HOJ.

The failure of the water tank is a sudden unexpected occurrence that poses a clear and imminent danger, and required immediate action to prevent or mitigate the loss or impairment of essential public services as well as health and property, and therefore constitutes an emergency as defined in Public Contract Code section 1102. Moreover, it is apparent that the delays associated with bidding the contract would result in significant additional operational and relocation costs to the County. Bidding the repair of the water heating system and resulting delays would therefore not produce an advantage and would be inappropriate, impractical, and not in the County's best interest. Accordingly, the County requested a proposal from Bell Products, Inc. to repair the water heating system. The requested system is more readily available (using components that are "off the shelf" rather than those that require a four week delivery time) and through a cost analysis staff was able to determine that the bid for the planned repair was fair and reasonable.

Based on these factors, the County Executive Officer authorized a contract with Bell Products, Inc. for a maximum amount of \$98,908, to replace the water heating system pursuant to authority granted her in Public Contract Code Section 22050(b), and Napa County Resolution No. 2014-107 and 2015-37. It is expected the water heating system will be repaired and the project completed by April 4, 2016. If for some unforeseen reason the project is not completed before April 5, 2016, staff will return to the Board in accordance with Public Contract Code Section 22050(c) to review the emergency action and every 14 days thereafter until the emergency action is terminated.

Bell Products, Inc. is a local vendor.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	2014 Earthquake Subdivision Fund: 1000 Subdivision: 1058001

The County has been approved by its insurance company to receive reimbursement for costs related to this project.

Is it Mandatory or Discretionary?	Discretionary
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Discretionary Justification:	Although it wasn't evident until last week, the 2014 South Napa Earthquake damaged the corrosion protection barrier inside the water tank, resulting in three successive leaks. The barrier will continue to degrade. The County's insurance carrier has reviewed and agrees with the County's determination of earthquake damage. The water tank must be replaced before it leaks again as the tank can no longer be patched. In addition, Public Works staff believes any additional patches could compromise the structure of the tank causing a complete failure of the unit and the loss of domestic hot water to the entire Hall of Justice.
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Currently, no inmates are housed on the third floor of the Hall of Justice due to earthquake repairs, however, it is expected the earthquake repairs will be completed this week. That being said, the inability for the jail to have a consistently operating hot water tank will delay approval from the Board of State Community Corrections (BSCC) to reoccupy the third floor. Additionally, the jail currently has approximately 35 inmates located in the basement unit of

the Hall of Justice and if the tank were to fail again these inmates would not have access to the code required hot water, thus they may need to be relocated. Since the jail has limited additional jail bed capacity due to the earthquake, these inmates would need to be relocated to Solano County.

Is the general fund affected? Yes

Future fiscal impact: None

Consequences if not approved: If not approved, the water tank cannot be immediately replaced and Public Works will have to proceed with the standard procurement procedures. The standard procurement process will add significant time to the water tank replacement process (approximately 3 to 4 weeks). If the patch on the jail water tank fails, which has occurred two times in the past week, the water tank cannot be patched again, thus it will be inoperable. If the water tank is inoperable the Corrections Department would not be able to begin the process of bringing inmates back from Solano County and would possibly need to move the inmates impacted by the lack of hot water (approximately 35 inmates in the basement of the Hall of Justice). Since the jail has limited additional capacity, due to the ongoing earthquake repairs, these inmates would most likely be relocated to Solano County.

Additional Information:

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is categorically exempt from the CEQA pursuant to Sections 15301 (Existing Facilities) and statutorily exempt pursuant to Public Resources Code Section 21080(b) (2).

BACKGROUND AND DISCUSSION

On March 4, 2016, the water tank that controls the hot water distribution to the Hall of Justice (HOJ) unexpectedly failed. A leak occurred causing the water heating system to be temporarily inoperable and Bell Products, Inc. was hired to "fix" the issue by welding a patch on the leak. Three days later two additional leaks occurred resulting in the need for another patch to be installed. Investigation of the tank interior (only observable as a result of the unit being opened for repair) indicated that the glass lining which protects the tank from corrosion fractured in multiple locations as a result of the 2014 South Napa Earthquake. The tank is actively degrading with no corrosion protection and the patches are a temporary measure intended to allow staff enough time to contract with a company to replace the failing unit. Based on these conditions, Public Works staff determined the water tank is beyond repair and must be replaced without delay as any additional patches could compromise the structure of the tank. Accordingly, staff advised the County Executive Officer it was unlikely the water tank would remain operational for the time period required to publicly bid the replacement of this critical fixture.

The water tank is a critical part of providing essential public services in the basement and third floor of the HOJ. Specifically, without an operational water tank there would be no hot water to the basement and third floor of the HOJ, which in turn would necessitate relocating any inmates housed in those areas. Currently, approximately 35 inmates located in the basement unit of the HOJ are served by this water tank. The failure of the tank would mean these inmates would not have access to hot water, which would likely require the County to relocate them to Solano County at a cost to the County of \$88 per inmate per day until replacement of the water tank was completed

(approximate cost of \$3,100 per day for the those inmates currently in the basement in addition to other operational and transportation costs).

In addition to the impacts and costs of housing those inmates currently in the basement of the HOJ, the County recently completed various earthquake repairs to the HOJ and was in the process of securing Board of State Community Corrections (BSCC) approval to reoccupy the third floor with approximately 100 inmates currently relocated to Solano County. BSCC would not permit the County to reoccupy the third floor with these inmates until the damaged water heating system is replaced. Delays in reoccupying these inmates could also result in significant additional costs to the County.

The County's Risk Manager has discussed the damaged water tank and likely impacts on County services with the County's insurance company and the insurance company has agreed to reimburse the County for the costs associated with this water tank replacement project.

Based on the above information and the potential impacts on the County, the County Executive Officer authorized a contract with Bell Products, Inc. to replace the water tank pursuant to authority granted to her by this Board through Napa County Resolution No. 2014-107 and 2015-37 in accordance with Public Contract Code Sections 22050(b). As required by the exercise of that authority, staff now requests that board (1) review and ratify the County Executive Officer's authorization of repair of a jail water heating system, and (2) find that there is a need to continue the emergency repair of the jail water heating system until PW 15-15E is completed. Additionally, staff requests that the Board find that public bidding would not have produced an advantage and would have been inappropriate, impractical, and not in the County's best interest in this instance due to the circumstances discussed in this Board item.

It is expected the water tank will be replaced and the project completed by April 4, 2016. If for some unforeseen reason the project is not completed before April 5, 2016, staff will return to the Board in accordance with Public Contract Code Section 22050(c) to review the emergency action and every 14 days thereafter until the emergence action is terminated.

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SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Bret Prebula