



Agenda Date: 5/1/2007  
Agenda Placement: 9A

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Michael Stoltz for Robert Peterson - Director  
Public Works  
**REPORT BY:** Juan Arias, PRINCIPAL PUB WORKS ENGINEER , 259-8374  
**SUBJECT:** Hall of Justice Booster Pumps Replacment - Authorization and Award of Emergency Contract

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### **RECOMMENDATION**

Director of Public Works requests the following regarding the Hall of Justice Booster Replacement Project, PW 07-30:

1. Find that the unexpected failure of a water system booster pump at the Hall of Justice constitutes an emergency as defined by Section 1102 of the Public Contract Code due to the following facts:
  - a. There are only two booster pumps for the facility, and it is suspected that the remaining pump could also fail at any time, including during the time required to solicit competitive bids to replace the pump assembly;
  - b. If the remaining pump fails before the first pump has been replaced, the County Jail portion of the Hall of Justice would no longer be habitable for the inmates;
  - c. There is currently no alternate location to house the inmates in the event the County Jail portion of the Hall of Justice suddenly becomes uninhabitable and remains so during repair;and
  - d. The circumstances in (a), (b) and (c) create a need for immediate action to replace the entire pump assembly to prevent impairment of the health and safety of the inmates housed in the County Jail portion of the Hall of Justice and impairment of the essential public service of providing secure detention of inmates.
2. Find, based upon the circumstances set forth in 1(a) through (d) and pursuant to Public Contract Code Sections 20134(a) and 22050(a)(2), that the foregoing emergency will not permit the delay that would result from adopting plans, specifications, strain sheets or working details or giving notice for competitive bids to replace the pump assembly.
3. Award the contract for the "Hall of Justice Booster Replacement Project," PW 07-30, to Bell Products of Napa, California, as an emergency time and materials contract subject to Public Contract Code sections 20134(a) and 22050(a), to replace the pump assembly for an amount not to exceed \$40,000, and authorize the Chair to sign the construction contract on behalf of the County. (4/5 vote required)

**EXECUTIVE SUMMARY**

One of the booster pumps at the Hall of Justice has unexpectedly failed and the remaining booster pump could fail at any time. If the second pump fails before the first pump has been replaced, the County Jail portion of the Hall of Justice would no longer be habitable for the inmates. As there is no alternate location to house the inmates, the current situation creates a clear and imminent danger to health, safety and essential public services, which constitutes an emergency as defined in Public Contract Code section 1102.

The Director of Public Works recommends that the Board find that under these circumstances an emergency situation exists necessitating immediate commencement of the process to obtain and install a replacement pump assembly (both pumps), without the delay that would result from adopting plans, specifications, strain sheets or working details or soliciting competitive bids. The Director further recommends that the Board award the replacement contract to Bell Products, Inc. for a not-to-exceed amount of \$40,000 as an emergency contract under Public Contract Code Sections 20134(a) and 22050(a).

**FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Capital Improvement Program
Is it Mandatory or Discretionary?	Mandatory
Is the general fund affected?	Yes
Future fiscal impact:	None
Consequences if not approved:	Pressure in the Hall of Justice's water system may be compromised at any time, resulting in an impairment to the health and safety of the County Jail inmates and to the essential public service of safe and secure detention of inmates.
Additional Information:	Appropriations are available in the General Fund Capital Improvement budget unit due to previously budgeted projects not being expended as originally planned. Those projects will be funded in the requested FY 07-08 budget.

**ENVIRONMENTAL IMPACT**

**Categorical Exemption Class 1:** It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Class 1 ("Existing Facilities") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.]

**BACKGROUND AND DISCUSSION**

There are booster pumps located in the County Jail expansion in the Hall of Justice that increase the water pressure to multiple units (cell toilets and sinks, unit showers as well as those used by the staff and public) in the

facility. This system is critical in that it allows many units to operate at the same time; otherwise water pressure is not sufficient to properly dispose of waste, to run a shower, etc. Because the system must be available on a twenty-four hours, seven days of the week basis, failure of this booster system creates an immediate health and safety problem within the County Jail.

The pumps have been rebuilt twice and several lines replaced due to wear from the inside out. It is a duplex system which means one pump will run for awhile and then the other one. If demand is too great both systems will run. The system runs on two most of the time.

Within the last few weeks one pump failed completely, leaving the facility completely dependent upon only one pump which is not sufficient based on the current population and usage. A related problem has emerged in that the remaining functioning pump cannot regulate the pressure properly and the resulting high pressure is causing stress failures along the system. If this remaining pump fails then all water pressure in the facility fails because there is now no backup pump. Replacement of the entire assembly was included in the requested fiscal year 07-08 Capital Improvement budget. The system's breakdown at this point has created an unexpected emergency that needs to be addressed immediately rather than waiting for the several months required to contract for the work through the formal competitive bidding process.

Public Contract Code Section 20134(a) establishes that in cases of emergency, when repair or replacement are necessary to permit the continued conduct of County operations or services, the Board of Supervisors, by no less than majority consent, may proceed at once to replace or repair any and all structures without adopting the plans, specifications, strain sheets, or working details. "Emergency" as defined under Public Contract Code Section 1102 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.

In order for the Board to waive competitive bidding pursuant to Public Contract Code Section 22050(a)(2), the Board must make findings, based upon substantial evidence noted in the minutes, that the emergency nature of the precarious condition of the existing booster pumps at the Hall of Justice will not permit a delay resulting from formal competitive solicitation for bids and that immediate replacement of the pumps is necessary to respond to the emergency. These findings and approval of any contracts for the work must be by no less than 4/5 vote.

Bell Products of Napa has submitted a proposal to the Department of Corrections for replacement of the pumps, including expedited delivery of the equipment and night work labor rates (to shutdown during peak usage times). As an emergency construction contract under Public Contract Code section 20134(a), payment is for the actual cost of time and materials plus no more than 15% for administration and profits.

In accordance with Public Contract Code Section 22050(c)(1), staff will return to the Board on May 8th to review the emergency action and every 14 days thereafter until the emergency action is terminated, which will be when Public Works staff comes back to the Board for approval of the Notice of Completion for the work.

## **SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi