



## Legislation Text

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**PREPARED BY:** BARBARA HAWKINS

**DATE OF MEETING:** 08/07/17

**SUBJECT:**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO DECLARING THAT THE EMERGENCY UNDER PUBLIC CONTRACT CODE SECTION 22050 REGARDING THE IMMEDIATE REHABILITATION OF THE HILLCREST ROAD STORM DRAIN IS CONTINUING AND RATIFYING THE ACTIONS TAKEN

**CITY MANAGER RECOMMENDATION**

Adopt Resolution; requires 4/5 majority vote

**COMPLIANCE STATEMENTS**

Hillside stabilization/hazard mitigation is an adopted policy item under the FY 2015-17 City Council Priority Workplan, effective October 1, 2016.

**CEQA Compliance Statement**

This project is categorically exempt under the California Environmental Quality Act. Section 15301 of the CEQA Regulations, Existing Facilities. A Notice of Exemption was filed with the Contra Costa County Clerk on December 22, 2016. In addition, this work is exempt from CEQA as emergency repairs and specific actions necessary to prevent an emergency pursuant to CEQA Guidelines section 15269.

**BACKGROUND**

As the City Council knows from the Special Meeting on January 3, 2017 and the regular meetings on January 17, 2017, February 6, 2017, February 21, 2017, March 6, 2017, March 20, 2017, April 3, 2017, April 17, 2017, May 1, 2017, May 15, 2017, June 5, 2017, June 19, 2017, July 3, 2017 and July 17, 2017, and the actions taken then, there is a need to address a recently discovered damaged storm drain pipe downhill from Hillcrest Road. Given the weather predictions for rain during the month of January, the City issued an informal bid on December 21, 2016 for the Hillcrest Storm Road Drain Rehabilitation Project. Harrison Engineering, who has an approved contract with the City for on-call civil engineering work, prepared the design. However, no bids were received.

San Pablo Municipal Code section 3.16.070 provides an exception to regular procurement procedures in the event of an emergency as long as the requirements in the California Public Contract Code are followed. "In cases of emergency when repair or replacements are necessary, the city council may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the city council, by contractor, or by a combination of the two. In case of an emergency, if notice for bids to let contracts will not be given, the city shall comply with Chapter 2.5 (commencing with Section 22050) of the Public Contract Code."

California Public Contract Code section 22050 allows the City Council to take action by four-fifths vote to repair or replace a public facility and take related actions to respond to an emergency, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes without giving notice for bids to let contracts. The City Council can also delegate to the City Manager the authority to take these actions. The City Manager is then required to report back on these actions at each City Council meeting until the emergency ceases.

Given time constraints and the forecasted winter rain storms and long-standing geotechnical issues in the Hillcrest-Wyman area including multiple landslides, on January 3, 2017, the City Council (by four-fifths vote) determined that emergency conditions existed under California Public Contract Code section 22050 and waived any further competitive bidding requirements in State law and the City's Municipal Code to allow for the immediate rehabilitation of the Hillcrest Road Storm Drain, including the public works construction contract and any related consultant contracts. The City Council also authorized the City Manager to enter into a public works construction contract in excess of \$25,000 to do the immediate rehabilitation work to the Hillcrest Road Storm Drain and any other related consultant contracts such as design, engineering, geotechnical, storm drain video and inspection services that may also each exceed \$25,000, with the understanding that the City Manager would report back to the Council at each regularly scheduled City Council meeting on the work and expenditures until the emergency ceased, pursuant to California Public Contract Code section 22050.

On January 17, 2017, City staff reported that the following actions had been taken at an estimated cost of \$29,500 as of the writing of that report on January 9, 2017:

- Video inspection of subdrain
- Design work for informal bids (ultimately no bids were received)
- Meeting of Harrison Engineering, WR Forde Construction, and staff to discuss situation
- Chipped out concrete in bottom of manhole covering the pipes
- Completely exposed downhill pipe and other subdrains connecting at manhole
- Identified elevations of all pipes in manhole
- Cleaned out downhill pipe as far as equipment would allow and then proceeded with dye test to determine options for replacement methods

The City Council adopted a resolution ratifying the actions taken to date that have not complied with competitive bidding requirements or the City Manager's contracting authority limits and appropriated \$300,000 from the FY 2016/17 General Fund Designated Reserve for Hillside Stabilization and Geotech Studies/Improvements to the Hillcrest Road Storm Drain Rehabilitation Project (320-3200-43600-HIL-EMR). Staff reported back to the City Council at its prior meetings on February 6, February 21, March 6, March 20, April 3, April 17, May 1, May 15, June 5, June 19, July 3, 2017 and July 17, 2017. A construction contract with W.R. Forde Associates for the rehabilitation work has been executed for \$225,000.

As of the date of preparation of this report, work has not been completed on the project. The rains continued to saturate the soil into May and thus it was not recommended to work under such site conditions until there has been an extended period of dry weather. Staff has continued to monitor the site and is hopeful that the recent drier weather will allow work to commence soon once the large equipment becomes available later in the summer. There has been no observable hillside movement

in the area of the proposed project. Staff has confirmed that despite the delay due to the ongoing wet weather and saturated soils that the jack and bore approach is appropriate and that the negotiated contract price remains competitive and in the best interests of the City. Once the specialized equipment becomes available to dig the trench, the project should begin.

At this time, the necessary work to address the issue has not been completed, so staff recommends that City Council's emergency authorization continue with direction to staff to continue to report back at each regular City Council meeting. Pursuant to the attached resolution, staff seeks ratification of these actions taken to date that have not complied with competitive bidding requirements or the City Manager's contracting authority limits.

### **FISCAL IMPACT**

At the City Council meeting on January 17, 2017, \$300,000 was appropriated from the FY 2016/17 General Fund Designated Reserves (100-0000-00000) for Hillside Stabilization and Geotech Studies/Improvements to the Hillcrest Road Storm Drain Rehabilitation Project (320-3200-43600-HIL-EMR).

At this time, \$29,500 has been expended, plus whatever additional consultant costs for which the City has yet to receive an invoice. A contract with W.R. Forde Associates for the rehabilitation work in the amount of \$225,000 has also been executed. With a 15% contingency for the rehabilitation work of \$33,750 (total \$258,750) and the prior costs of \$29,500, the costs are estimated at \$288,250 and are still under the \$300,000 that has been appropriated.