



Agenda Date: 6/5/2007  
Agenda Placement: 9A

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Martha Burdick for Robert Peterson - Director  
Public Works  
**REPORT BY:** Martha Burdick, Public Works Admin Manager, 259-8188  
**SUBJECT:** Hall of Justice Booster Pumps Replacement - Continue Authorization and Award of Emergency Contract

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### **RECOMMENDATION**

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

1. Acknowledge that the following findings made on May 1, 2007 are still in effect:
  - a. 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;
  - b. That 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;
  - c. That 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;
  - d. That there currently is 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;
  - e. That 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; and
  - f. That upon the circumstances set forth in 1(a) through (e) 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.
2. Per Public Contract Code Section 22050(C), review the emergency actions taken by the Board at the May 1 Board of Supervisors meeting, determine that there is a need to continue the emergency actions, and continue acquisition of all necessary materials, supplies, equipment and labor by direct purchase, force account, or emergency contract awarded without adoption of plans and specifications and solicitation of competitive bids, as appropriate to complete the work (4/5ths vote required); and
3. 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 May 1, 2007, the Board made emergency findings and authorized the award of an emergency time and materials contract to Bell Products of Napa California, pursuant to Public Contract Code Sections 20134(a) and 22050 to replace the booster pump assembly for the Hall of Justice in an amount not to exceed \$40,000. Section 22050(c)(2) requires that the Board review the emergency action at its next regularly scheduled meeting, to determine 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 May 8 and May 22 and again today, June 5, the Board was requested to review and continue the emergency findings. Staff expects to return again on June 19 for review of this Project.

### **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:

### **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**

On May 1, 2007, the Board made emergency findings and authorized the award of an emergency time and materials contract to Bell Products of Napa California, pursuant to Public Contract Code Sections 20134(a) and 22050, to replace the booster pump assembly for the Hall of Justice, in an amount not to exceed \$40,000. Section 22050(c)(2) requires that the Board review the emergency action at its next regularly scheduled meeting to

determine 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 following is a summary of Recommended Items 1 through 3:

1. States 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;
2. Reviews and continues acquisition of all necessary materials, supplies, equipment and labor by direct purchase, force account, or emergency contract awarded without adoption of plans and specifications and solicitation of competitive bids, as appropriate to complete the work; and
3. Directs that the emergency situation be scheduled for further review at a regular meeting of the Board held no later than this meeting, unless the emergency terminates prior to that date.

Bell Products has indicated that delivery and installation of the replacement pump equipment is anticipated to be the end of May. Project completion is anticipated to be the first week of June. In accordance with that schedule and the requirements of Public Contract Code Section 22050(c)(2), staff returned to the Board on May 8 and May 22 to report on Project progress and for the Board to continue the emergency actions. As expected staff is returning to the Board this date, June 5, with a follow up status report for this emergency repair. If the Project is not complete by June 5, another status report will be scheduled for the Board's June 19 meeting in compliance with the emergency repair section of the Public Contract Code.

#### **SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi