

Public Contract Code section 22050 authorizes the County in the case of emergency to repair or replace public facilities' equipment by dispensing with competitive bidding by a 4/5ths vote and to procure all necessary equipment, services and supplies necessary for that purpose without competitive bidding. That section requires that the Board set forth in their minutes the substantial evidence that supports the following findings:

- (1) that the emergency will not permit a delay resulting from competitive bidding; and
- (2) the Board's action is necessary to respond to the emergency.

The Public Contract code requires that the Board review the emergency action on the next regularly scheduled meeting within 7 days, and thereafter if the Board meets weekly at every subsequent meeting at intervals no more than every 14 days until the work done under the emergency exception is concluded.

Facts:

The work in question is to replace two water heaters located in the Placerville jail which provide hot water to inmates. Hot water must be available to the inmates or the jail would be in violation of Title 24, Sections 1231.3.2 and 1231.3.4. Several weeks ago, one of the two water heaters started shooting flames through the outer housing of the heat exchanger. Staff from facilities has been attempting to repair and/or secure the unit through replacement of burner and housing parts however last Tuesday the unit had a failure which resulted in significant flames shooting through the bolts/housing of the heat exchanger unit and water extruding though the outer housing and onto the floor of the mechanical room causing the safety mechanism to trip and shut down. This unit is now significantly damaged and is on the brink of a full failure. The second unit is similarly situated and must be immediately replaced or it too will suddenly fail in a like manner. These water heaters are not located in the secure inmate area and do not pose a safety hazard to the inmates.

Recommended Actions by a 4/5th vote:

1. Find that the circumstances related to the two water heaters at the Placerville Jail constitute an emergency that will not permit a delay resulting from competitive bidding and that the action of dispensing with competitive bidding requirements is necessary to immediately replace the heaters;
2. Authorizing the Chairman of the Board to immediately execute the necessary contracts;

RECEIVED
BOARD OF SUPERVISORS
EL DORADO COUNTY
5:17 pm, Apr 12, 2012