



Legislation Details (With Text)

File #: 17-0958 **Version:** 1

Type: Agenda Item **Status:** Approved

File created: 8/24/2017 **In control:** Board of Supervisors

On agenda: 9/19/2017 **Final action:** 9/19/2017

Title: Community Development Services, Environmental Management Department, recommending the Board consider the following regarding an emergency a repair project located at the Union Mine Disposal Site, the Union Mine Disposal Site - 2017 Storm Damage Repair Project:
1) Delegate to the Chief Administrative Officer, in conjunction with the Environmental Management Department Director, or designee, the ability to:
a) Approve and adopt the Plans and Contract Documents and sign the Plans, subject to County Counsel approval;
b) Authorize advertisement for bids;
c) Award the Construction Contract to the lowest responsive, responsible bidder, provided that if the bid is not to be awarded to the lowest bidder, the Environmental Management Department Director must come back to the Board for a determination of responsiveness and/or responsibility;
d) Approve and sign the Construction Contract, subject to final review and approval by County Counsel and Risk Management, and subject to the Board ratifying any Contracts when it is asked to review the County's Emergency Proclamation every 14 days; and
e) Authorize the Environmental Management Department Director, or designee, to sign an Escrow Agreement, if requested by the Contractor and in accordance with Public Contract Code Section 22300, for the purpose of holding Contract retention funds;
2) Authorize a 10 15-day advertisement for construction bids; and
3) Pursuant to Public Contract Code Section 22050, find that the Project will not permit a delay resulting from a typical competitive solicitation for bids, and that the implementation of this Project is necessary to respond to the January 2017 storm damage emergency. (4/5 vote required)

FUNDING: Non-General Fund/County Service Area 10 Funds, with Environmental Management Department staff working with the Federal Emergency Management Agency to obtain emergency reimbursement.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Cal OES Form 95 - List of Projects 9/19/17

Date	Ver.	Action By	Action	Result
9/19/2017	1	Board of Supervisors	Approved	Pass

Community Development Services, Environmental Management Department, recommending the Board consider the following regarding an ~~emergency~~ a repair project located at the Union Mine Disposal Site, the Union Mine Disposal Site - 2017 Storm Damage Repair Project:
1) Delegate to the Chief Administrative Officer, in conjunction with the Environmental Management Department Director, or designee, the ability to:
a) Approve and adopt the Plans and Contract Documents and sign the Plans, subject to County Counsel approval;
b) Authorize advertisement for bids;
c) Award the Construction Contract to the lowest responsive, responsible bidder, provided that if the bid is not to be awarded to the lowest bidder, the Environmental Management Department Director

must come back to the Board for a determination of responsiveness and/or responsibility;

- d) Approve and sign the Construction Contract, subject to final review and approval by County Counsel and Risk Management, and subject to the Board ratifying any Contracts when it is asked to review the County's Emergency Proclamation every 14 days; and
- e) Authorize the Environmental Management Department Director, or designee, to sign an Escrow Agreement, if requested by the Contractor and in accordance with Public Contract Code Section 22300, for the purpose of holding Contract retention funds;

2) Authorize a ~~10~~ 15-day advertisement for construction bids; and

3) Pursuant to Public Contract Code Section 22050, find that the Project will not permit a delay resulting from a typical competitive solicitation for bids, and that the implementation of this Project is necessary to respond to the January 2017 storm damage emergency. (4/5 vote required)

FUNDING: Non-General Fund/County Service Area 10 Funds, with Environmental Management Department staff working with the Federal Emergency Management Agency to obtain emergency reimbursement.

DEPARTMENT RECOMMENDATION

Community Development Services, Environmental Management Department (Environmental Management), recommending the Board consider the following regarding ~~an emergency~~ a repair project located at the Union Mine Disposal Site, the Union Mine Disposal Site - 2017 Storm Damage Repair Project (Project):

- 1) Delegate to the Chief Administrative Officer, in conjunction with the Environmental Management Director, or designee, the ability to:
 - a) Approve and adopt the Plans and Contract Documents and sign the Plans, subject to County Counsel approval;
 - b) Authorize advertisement for bids;
 - c) Award the Construction Contract to the lowest responsive, responsible bidder, provided that if the bid is not to be awarded to the lowest bidder, the Environmental Management Director must come back to the Board for a determination of responsiveness and/or responsibility;
 - d) Approve and sign the Construction Contract, subject to final review and approval by County Counsel and Risk Management, and subject to the Board ratifying any Contracts when it is asked to review the County's Emergency Proclamation every 14 days; and
 - e) Authorize the Environmental Management Director, or designee, to sign an Escrow Agreement, if requested by the Contractor and in accordance with Public Contract Code Section 22300, for the purpose of holding Contract retention funds;
- 2) Authorize a ~~10~~ 15-day advertisement for construction bids; and
- 3) Pursuant to Public Contract Code Section 22050, find that the Project will not permit a delay resulting from a typical competitive solicitation for bids, and that the implementation of this Project is necessary to respond to the January 2017 storm damage emergency.

A 4/5 vote of the Board is required to approve the requested actions.

It is important to note that Environmental Management has concluded that repairs at the Union Mine Disposal Site must be completed before winter. If not completed before winter, further damage to the Site will likely occur. ~~and, in~~ In addition, the site was inspected on March 28, 2017, by the California Department of Resources Recycling and Recovery and the Local Enforcement Agency and fines can be incurred for failure to make the required repairs, ~~from the Local Enforcement Agency and the Central Valley Regional Water Quality Control Board~~. This Project, for which Environmental Management is seeking emergency reimbursement, is currently undergoing Federal Emergency Management Agency's (FEMA's) authorization process. Environmental Management anticipates

receiving the authorization for this Project shortly.

Approving actions 2 and 3 above will save this Project 7 15 days.

DISCUSSION / BACKGROUND

Starting in early January 2017, a series of heavy rainstorms over approximately ~~eight~~ 8 weeks severely damaged areas of El Dorado County, including roadways, parks, and areas within the active and inactive portions of the Union Mine Landfill and adjacent support areas of the disposal facility property. The damages caused by the 2017 rainstorms, including the damages to the Union Mine Disposal Site, were presented to the Board on February 27, 2017 (Item 1).

Once the wet weather season ended and the full scope of damages to the site could be clearly identified, Environmental Management's on-call engineering consultant, Tetra Tech BAS, Inc., was tasked with evaluating the damages and developing technical specifications, engineered drawings, and an estimated cost to complete the work. In addition, Environmental Management worked with the California Office of Emergency Services (CalOES) and FEMA to identify damages that would, and would not, qualify for potential reimbursement of costs associated with the repair work. The list of damages associated with this Project and submitted to CalOES is attached (Attachment A).

Environmental Management has been able to advance this Project to a point where it will soon be ready to be advertised for bids. Board approval of the proposed actions will allow Environmental Management to deliver this Project to construction up to several months earlier than the typical project delivery process of obtaining Board approval at the bid advertisement step, keeping the project out to bid for 30 days, and then coming back to the Board for award of the contract. County Counsel will still review and approve the Contract Documents prior to the advertisement for bids. If there are any relevant, significant irregularities associated with bids received for this Project, Environmental Management will bring the Project to the Board for consideration of award.

ALTERNATIVES

- 1) The Board could reject the recommendation to delegate its authority for this ~~emergency~~ repair Project. This would increase cost and the time required to deliver to construction.
- 2) The Board could reject the recommendation to approve a ~~40~~ 15-day advertisement period for this ~~emergency~~ repair Project. This would increase the time required to deliver to construction.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

CAO, County Counsel, and Risk Management.

CAO RECOMMENDATION

It is recommended that the Board approve this item to repair the damage before the winter.

FINANCIAL IMPACT

Like other storm damage projects within the County, with potential for federal emergency reimbursement, the cost of this Project will be fronted with Non-General Fund/County Service Area 10 Funds. Environmental Management staff will work with FEMA to obtain emergency reimbursement for this Project.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Infrastructure and Public Safety.

CONTACT

Greg Stanton, Director

Community Development Services, Environmental Management Department