



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: General Services
Department No.: 063
For Agenda Of: September 12, 2023
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from: N/A
Vote Required: 4/5

TO: Board of Supervisors
FROM: Department Director: Kirk Lagerquist, Director (805) 560-1011
Contact Info: Patrick Zuroske, Assistant Director (805) 568-3096
SUBJECT: Ratification and Approval of Emergency Contracts in Response to Arson and Water Damage to the Santa Maria Courts Department 8;
County Project 22042; in the Third Supervisorial District.

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management, CEO Budget

As to form: Yes

Recommended Actions:

The Board of Supervisors:

- a) Approve and ratify the attached General Services emergency contract in the amount of \$200,000.00 with John K. Takata Corporation, DBA Restoration Management Company (“Emergency Purchase Order”), entered into by the Purchasing Agent under County Code Section 2-43, upon a finding that this Emergency Purchase Order was required for the health, safety, and welfare of the people or for the protection of property and that there was a present, immediate and existing emergency which could not reasonably have been foreseen; and
- b) Approve and authorize the Chair to execute the attached emergency construction contract in the amount of \$621,504.00 with John K. Takata Corporation, DBA Restoration Management Company, 4142 Point Eden Way, Hayward California, 94545, for the Santa Maria Courts Department 8 Emergency Repair Project, County Project 22042 (“Emergency Construction Contract”); and
- c) Authorize the Director of General Services or designee to approve change orders to the Emergency Construction Contract in an aggregate amount not to exceed \$43,575.20, as authorized under California Public Contract Code Section 20142; and
- d) Approve Budget Revision BJE-0009271; and

- e) Determine that the recommended actions are statutorily exempt under the California Environmental Quality Act, pursuant to CEQA Guidelines Section 15359, as a project necessary to prevent or mitigate an emergency that does not have a low probability of occurrence, and to maintain, repair, restore, or replace property or facilities damaged or destroyed as a result of vandalization, and direct staff to file a Notice of Exemption with the Clerk of the Board of Supervisors on that basis.

Summary Text:

This action is to approve and ratify the following General Services Capital Division Emergency Purchase Order entered into by the Purchasing Agent under County Code Section 2-43:

- DP4198 Restoration Management Company in the amount of \$200,000.00

In response to the Santa Maria Courtroom Department 8 vandalism, which involved arson and water damage, the County began initiating an emergency contract to perform water damage cleanup, mold mitigation, and structural drying, as well as demolition and repair work of the courtroom. The emergency repairs included drywall, flooring, paint, carpentry, and other work to protect existing facilities and property. The Capital Projects Division initiated the above-referenced Emergency Purchase Order. The County's Purchasing Agent secured this contract under County Code Section 2-43, Emergency Purchases.

This item is also to approve and award the Emergency Construction Contract in the amount of \$665,079.20, to complete the emergency repair work at the Santa Maria Courtroom Department 8, pursuant to Public Contract Code §§ 1102 and 22050(a)(1). Emergency repairs are still in progress and are necessary to restore essential services facilitated in the Department 8 Courtroom. Additionally, the Judicial Council of California will be providing funding to the Santa Maria Courts for enhancements to the damaged courtroom beyond the scope of the emergency restoration and repairs.

Background:

On February 18, 2023, an individual broke into the Santa Maria Courthouse Department 8 courtroom and applied a flammable accelerant to the furniture setting a fire, resulting in the fire alarm sprinkler system discharging causing water and smoke damage to the courtroom. Santa Barbara County General Services is the owner and holds the insurance policy for the building, and is required to manage the mitigation and remodeling of this project. The Purchasing Agent is authorized to "make emergency purchases of goods or services... upon a showing by any department or officer that such purchase is required" under Section 2-43 of the County Code:

County Code Section 2-43. - Same—Emergency purchases.

(a) Notwithstanding the purchasing agent's delegated authority by the board of supervisors, the purchasing agent may make emergency purchases of goods or services free of the provisions of this article upon a showing by any department or officer that such purchase is required.

(b) All emergency purchases of goods or services secured under this section shall be approved or confirmed by the purchasing agent that the purchases were made for the health, safety, and welfare of the people or for the protection of property and that there is a present, immediate and existing emergency which could not reasonably be foreseen; and may make other purchases of goods and services free of this article when the board of supervisors has found by resolution that such would be in the public interest.

(Ord. No. 951, § 6; Ord. No. 4997, § 1, 6-20-2017)

While the Purchasing Agent's authority to enter into such emergency contracts is not subject to any express cost limitation, Public Contract Code § 22050 requires that such emergency contracts be reviewed by the Board of Supervisors (Board), along with the reasons justifying why such emergency will not permit a delay, why the action is necessary to respond to the emergency, and, if ongoing, for the Board to determine, by a four-fifths vote, that there is a need to continue such work on an emergency contract basis.

Public Contract Code § 22050(a)(1) provides that, "in the case of an emergency" the Board, "pursuant to a four-fifths vote," may "repair or replace a public facility, 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," provided that the Board first makes "a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency."

Public Contract Code § 1102 defines "emergency" as "a sudden, unexpected occurrence that poses as clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential services."

Accordingly, in coordination with the Purchasing Agent, the Capital Division of the General Services Department is bringing the Emergency Purchase Order and the Emergency Construction Contract to the Board for ratification and approval, and for the Board to make such a finding.

Performance Measure: The contractor must remediate all water and fire-damaged areas and complete final repairs and renovation to allow court proceedings to continue.

Fiscal and Facilities Fiscal and Facilities Impacts:

Budgeted:

Fiscal Analysis:

Narrative:

General Services construction contract costs associated with the emergency response efforts will be funded with insurance proceeds in the amount of \$621,504.00, plus any contingency work not to exceed \$43,575.20. BJE-0009033 was approved last fiscal year to budget estimated insurance proceeds in the amount of \$708,335.00 for this project (Project 22042). For this project, \$200,000.00 of expenses were accrued in this Fiscal Year for water damage cleanup, mold mitigation, structural drying, demolition, and repair work of the courtroom under Emergency Contract DP4198. The remaining \$504,872.00 was re-budgeted in this Fiscal Year on August 29, 2023, by BJE-0009218. The attached Budget Revision includes \$192,000.00 for the remainder of the insurance proceeds to be received for this claim to complete the emergency repair work including project coordinator costs, and contingency.

In addition, the Judicial Council of California (JCC) will be providing funding to the Santa Maria Courts (Courts) for enhancements to the damaged courtroom, in addition to the amount that is covered by the County's insurance claim, in the amount of \$44,035.64. General Services will bill the Courts for this amount upon project completion.

Special Instructions:

Direct the Clerk of the Board to post the Notice of Exemption (NOE) and send a copy of the stamped NOE and minute order of these actions to the Capital Projects Division, Attn: Steve Fernandes.

Attachments:

Attachment A: Copies of Executed Purchase Order, DP 4198, for County Project 22042

Attachment B: Contractor Agreement with Restoration Management Company for County Project 22042

Attachment C: CEQA Notice of Exemption for County Project 22042

Attachment D: Budget Revision BJE-0009271

Authored by:

Steve Fernandes, Project Manager – General Services, Capital Projects Division