

Ratification of Emergency Contracts Secured by Purchasing Agent as a Result of Vandalism, All Supervisorial District

Agenda Date: August 29, 2023

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**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: May 07, 2024
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: **Santa Maria Courts Department 8; First Contract Amendment.
County Project 22042; in the Fifth Supervisorial District.**

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County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

The Board of Supervisors:

- a) Approve, ratify, and authorize the Chair to execute the First Amendment (Amendment) to the Emergency Contract with John K. Takata Corporation, DBA Restoration Management Company (BC23152) for the Santa Barbara County Superior Court, Santa Maria Courthouse, Department 8 Fire Remediation Project (Contract) to increase the maximum compensation payable under the Contract by \$69,418.30.00, from \$621,504.00 to an amended total compensation amount of \$690,922.30, for addition to the scope of work to be performed of electrical work, window replacement, fire sprinkler repair, finish carpentry and additional contractor hotel and per diem charges construction expenses and labor per diem;

- b) Determine that the recommended actions are statutorily exempt under the California Environmental Quality Act, according to CEQA Guidelines pursuant to 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.

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Summary Text:

This item is on the agenda for the Board to approve the First Amendment to the Contract for the Santa Maria Courthouse Department 8 Fire Remediation Project (Project).

In response to Santa Maria Courtroom Department 8 vandalism, which involved arson and water damage, the County entered into 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 emergency contract which the Board ratified on September 12, 2023, in accordance with Public Contract Code § 22050.

The proposed First Amendment increases the scope of work to be performed of electrical work, window replacement, fire sprinkler repair, finish carpentry, and additional contractor hotel and per diem charges construction expenses and labor per diem;

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, and necessitating emergency repairs. General Services manages such projects for emergency repairs of County-owned facilities, and has been overseeing the Project under the Contract. 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 for the health, safety and welfare of the people or for the protection of property under Section 2-43 of the County Code. (Ord. No. 951, § 6; Ord. No. 4997, § 1, 6-20-2017)

Public Contract Code section 22050(a)(1) provides that, in the case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body, 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 following otherwise-applicable competitive bid procedures. Section 22050(b)(1), provides that the Board of Supervisors may delegate to the appropriate county administrative officer, or other nonelected agency officer, the authority to order any action pursuant to section 22050(a)(1). Public Contract Code § 22050 requires that such emergency contracts entered into under such delegated authority be reviewed by the 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.

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

Performance Measure:

Remediation of all water and fire-damaged areas, and final repairs and renovation to allow court proceedings to continue.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

Narrative:

<u>Funding Source – RMC Emergency contract:</u>	<u>Current Contract Cost:</u>	<u>First Amendment Cost:</u>	<u>Total Contract Cost:</u>
Capital Outlay Fund 0030 – Insurance Proceeds	\$621,504.00	\$69,418.30	\$690,922.30
Total	\$621,504.00	\$69,418.30	\$690,922.30

General Services construction contract costs associated with the emergency response efforts will be funded with insurance proceeds in the amount of \$690,922.30, plus any contingency work not to exceed \$43,578.10. BJE-0009033 was approved last fiscal year to budget estimated insurance proceeds in the amount of \$708,392.00 for this project (Project 22042), of which \$203,520.04 was spent last fiscal year for water damage cleanup, mold mitigation, structural drying, demolition, and repair work of the courtroom under Emergency Contract DP4198. Budget Revision Request BJE 0009271 for \$192,000.00 was approved this fiscal year and provided 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.

Special Instructions:

Please send one copy of the Minute Order and two duplicate executed originals of the First Amendment these actions to the Capital Projects Division, Attn: Steve Fernandes.

Attachments:

Attachment 1: First Amendment

Attachment 2: CEQA Notice of Exemption for County Project 22042

Authored by:

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