



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:** Public  
Works/Transportation  
**Department No.:** 054  
**For Agenda Of:** February 28, 2023  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

---

**TO:** Board of Supervisors  
**FROM:** Department Director: Scott D. McGolpin, Public Works Director, 568-3010  
Contact Info: Chris Sneddon, Deputy Director, Transportation, 568-3064  
**SUBJECT:** Ratification of Emergency Contracts Secured by Purchasing Agent as a Result of  
2023 Impacts of Flooding and Storms, All Supervisorial District

---

**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Other Concurrence: Risk Management**

As to form: Yes

**Recommended Actions:**

That the Board of Supervisors:

- a) Approve and ratify the attached Public Works – Transportation emergency contracts, entered into by the Purchasing Agent under County Code Section 2-43 upon a finding that these contracts were 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) Determine that the recommended actions are statutorily exempt under the California Environmental Quality Act, pursuant to CEQA Guidelines Section 15269, 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 damages or destroyed as a result of a disaster; and direct staff to file a Notice of Exemption with the Clerk of the Board of Supervisors on that basis.

**Summary Text:**

This action to approve and ratify the following Public Works Transportation emergency force account contracts entered into by the Purchasing Agent under County Code Section 2-43:

- DP3946 Tierra Contracting, Inc. in the amount of \$500,000.00

- DP3829 Badger Daylighting Corp. in the amount of \$500,000.00
- DP3846 Statewide Safety and Sign in the amount of \$500,000.00
- DP3845 Hanly General Engineering Corporation in the amount of \$500,000.00
- DP3872 JF Will Company, Inc. in the amount of \$30,000.00
- DP3847 Granite Construction Company in the amount of \$500,000.00
- DP3821 CalPortland Corporation in the amount of \$500,000.00
- DP3824 R. Burke Corporation in the amount of \$500,000.00
- DP3851 Peterson's Tree Care in the amount of \$250,000.00
- DP3853 Lash Construction Company, Inc. in the amount of \$750,000.00
- DP3896 Papich Construction, Inc. in the amount of \$750,000.00

In response to the January 4 and January 9, 2023 storm events, a Local Emergency was declared by the Director of Emergency Services on January 9, 2023 and Board Resolution 23-5. A Proclamation of a State of Emergency was issued by the Governor on January 4, 2023. A Federal Declaration of Emergency (EM3591-CA) and ultimately a Federally Declared Disaster (DR 4683) was made by the President on January 14, 2023. Transportation engineering, maintenance, construction, and permits staff began assessing damage on January 9, 2023 and immediately began initiating emergency contracts to: perform debris removal and implement emergency protective measures and repairs to establish emergency access; to regain access to isolated residents; and to protect existing transportation facilities and property. The Public Works Transportation Division Operation Center initiated the above referenced emergency, Federally compliant force-account contracts through the Emergency Operations Center. An Incident Command Form 213 was submitted to request that the emergency contracts be executed. The County's Purchasing Agent secured these contracts under County Code Section 2-43, Emergency Purchases. These are Not to Exceed Contracts based on Task Orders. Task Orders describing scope of work, estimated costs, and location for identified damage sites are issued to the contractor.

**Background:**

The Purchasing Agent is authorized to “make emergency purchases of goods or services free of provision of this article upon a showing by any department or officer that such purchase is required.” (County Code § 2-43, see below). This authority is limited to locally-declared emergencies and any cost limitations imposed by the Board. (Gov. Code § 25502.7).

**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 emergency contracts is not subject to any express cost limitation, because these emergency contracts exceed the Purchasing Agent's non-emergency contracting authority, and in coordination with the Purchasing Agent, Public Works Transportation is bringing these emergency contracts to the Board for ratification.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

Narrative:

Current estimated Transportation costs associated with the emergency response efforts will be included in the FY 2023-24 budget in the Transportation Division of the Public Works Department. If FY 2022-2023 costs exceed available funding, a Budget Revision Request will come before your Board for approval to address emergency costs and expenditures that will be incurred by the Transportation Division. These costs may also be eligible for state and federal reimbursements.

**Special Instructions:**

Direct the Clerk of the Board to post the NOE and send a copy of the stamped NOE and minute order minute order of these actions to the Transportation Division, Attn: Ashley Kruzel.

**Attachments:**

Attachment A: Copies of Executed Contracts

Attachment B: Notice of Exemption

**Authored by:**

Chris Sneddon, Deputy Director – Transportation