BEFORE THE BOARD OF SUPERVISORS

of the

SAN LUIS OBISPO COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

_____day _____, 20___

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION TO CONTINUE EMERGENCY CONTRACTING FOR LEAK IDENTIFICATION AND REPAIR OF THE NACIMIENTO WATER PIPELINE UNIT A1

The following Resolution is now offered and read:

WHEREAS, the County of San Luis Obispo is experiencing historic drought conditions; and

WHEREAS, the County Board of Supervisors Proclaimed a Local Emergency due to drought conditions on March 11, 2014; and

WHEREAS, your Board has continued the Local Emergency Proclamation; and

WHEREAS, the Nacimiento water pipeline had to be shutdown due to a significant leak in a section of the Unit A1 pipeline located on a remote section of Camp Roberts; and

WHEREAS, the Nacimiento water pipeline is a regional pipeline that provides Nacimiento Reservoir water to numerous participating agencies within the County; and

WHEREAS, the timely repair of the Nacimiento water pipeline and restoration of water deliveries to the participating agencies for distribution to their customers is extremely urgent; and

WHEREAS, California Public Contracts Code Section 1102 defines "emergency," as a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services; and

WHEREAS, pursuant to the provisions of California Public Contracts Code Section 22050, your Board may waive the competitive bidding process and authorize County officials to execute construction contracts for emergency work by a 4/5th's vote; and

WHEREAS, on July 8, 2014, your Board adopted a resolution that the leak in the Unit A1 pipeline constituted an emergency that would not permit a delay resulting from a competitive solicitation for bids, and that immediate action is necessary to respond to the emergency; and

WHEREAS, on July 22, 2014, your Board adopted a resolution that the leak in the Unit A1 pipeline continued to constitute an emergency that would not permit a delay resulting from a competitive solicitation for bids, and that immediate action is necessary to respond to the emergency; and

WHEREAS, on August 12, 2014, your Board adopted a resolution that the leak in the Unit A1 pipeline continued to constitute an emergency that would not permit a delay resulting from a competitive solicitation for bids, and that immediate action is necessary to respond to the emergency; and

WHEREAS, on August 26, 2014, your Board adopted a resolution that the leak in the Unit A1 pipeline continued to constitute an emergency that would not permit a delay resulting from a competitive solicitation for bids, and that immediate action is necessary to respond to the emergency; and

WHEREAS, on September 9, 2014, your Board adopted a resolution that the leak in the Unit A1 pipeline continued to constitute an emergency that would not permit a delay resulting from a competitive solicitation for bids, and that immediate action is necessary to respond to the emergency; and

WHEREAS, on September 23, 2014, your Board adopted a resolution that the leak in the Unit A1 pipeline continued to constitute an emergency that would not permit a delay resulting from a competitive solicitation for bids, and that immediate action is necessary to respond to the emergency; and

WHEREAS, on October 7, 2014, your Board adopted a resolution that the leak in the Unit A1 pipeline continued to constitute an emergency that would not permit a delay resulting from a competitive solicitation for bids, and that immediate action is necessary to respond to the emergency; and

WHEREAS, on October 21, 2014, your Board adopted a resolution that the leak in the Unit A1 pipeline continued to constitute an emergency that would not permit a delay resulting from a competitive solicitation for bids, and that immediate action is necessary to respond to the emergency; and

WHEREAS, on November 4, 2014, your Board adopted a resolution that the leak in the Unit A1 pipeline continued to constitute an emergency that would not permit a delay resulting from a competitive solicitation for bids, and that immediate action is necessary to respond to the emergency; and

WHEREAS, the emergency contracting procedures under Section 22050 require this continued review of these emergency actions at the next regularly scheduled meeting, or within 14 days, whichever is later, in accordance with Public Contract Code Section 22050 to assure that the actions are necessary.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District, State of California, as follows:

1. In the case of an emergency, California Public Contract Code Section 22050 authorizes the Board, by a four-fifths vote to repair or replace any public facility, take any directly related and immediate action required by the emergency, and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.

2. That the leak in a section of the Unit A1 pipeline located on a remote section of Camp Roberts constitutes an emergency that will not permit a delay resulting from a competitive solicitation for bids, and that immediate action is necessary to respond to the emergency.

3. That California Public Contract Code Section 22050 allows, by a four-fifths vote, delegation to an appropriate County official the authority to order any action to procure the necessary equipment, services, and supplies for these emergency purposes, without giving notice for bids to let contracts.

4. Until said action is terminated, the delegated County official shall report to the Board of Supervisors at the next regularly scheduled meeting, or within 14 days, whichever is later, to review the emergency status justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency in accordance with Public Contract Code Section 22050.

5. That the Director of Public Works is hereby delegated and authorized to:

   a) Negotiate and execute a contract with qualified contractor(s) to perform work needed to take any directly related and immediate action required by the emergency, including but not limited to investigating leaks and providing emergency repair of the pipeline through a sole source process.

   b) Return to the Board to report status of emergency actions and need to continue these efforts at the next regularly scheduled meeting, or within 14 days, whichever is later, in accordance with Public Contract Code Section 22050.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted.

_____
Chairperson of the Board of Supervisors

ATTEST:

_____
Clerk of the Board of Supervisors

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: _____
Deputy County Counsel

Dated: November 7, 2014

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STATE OF CALIFORNIA, }
County of San Luis Obispo, ss.

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 20 _____.

_____
County Clerk and Ex-Officio Clerk of the Board of Supervisors

(SEAL)

By _____
Deputy Clerk