

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 CONCLUDING 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, the 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, the 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, the 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, the 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, the 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, the 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, the 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, the 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, the 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, the 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, the 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 25, 2014, the 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 December 9, 2014, the 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 January 6, 2015, the 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 and require that the Board shall terminate said actions at the earliest possible date that conditions warrant.

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. That 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. That until said action is terminated, California Public Contract Code Section 22050 requires that the delegated County official 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 Board has reviewed the emergency actions taken by the Director of Public Works in accordance with the authorizing resolutions described above, most recently on January 6, 2015, and has determined that all such actions shall be concluded by January 27, 2015, excepting use of trench shoring already in place until such time as said trench shoring can be demobilized, estimated not to exceed fourteen (14) days from the date of this Resolution.

