

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

May 20, 2025

FROM

DON DAY, Director, Project and Facilities Management Department

LYNN FYHRLUND, Director, Innovation and Technology Department

SUBJECT

Continuation of Emergency Related to Remediation of Emergency Project Necessary to Replace the Bertha Peak Power Lines and Poles in Big Bear

RECOMMENDATION(S)

Continue the finding, first made by the Board of Supervisors on June 25, 2024, that there is substantial evidence that the damaged power line that provides power to the Bertha Peak Communication site created an emergency pursuant to Public Contract Code section 22050 requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, and essential public services, necessitating an urgent project to replace power lines and poles at the Bertha Peak Communications site in Big Bear, to allow uninterrupted public safety emergency communication services, and will not permit the delay resulting from a formal competitive solicitation of bids to procure remediation and construction services, and delegating authority, originally by Resolution on June 25, 2024, amended on March 25, 2025, to the Chief Executive Officer to direct the Purchasing Agent to issue purchase orders and/or contracts, in a total amount not to exceed \$2,915,718, for any remediation, construction, and modifications related to the power lines, cross arms, cross arm hardware, power poles, tree trimming, and tree removal, finding that the issuance of these purchase orders and/or contracts is necessary to respond to this emergency pursuant to Public Contract Code sections 22035 and 22050 (Four votes required).

(Presenter: Don Day, Director, 387-5000)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The Innovation and Technology Department (ITD) Bertha Peak Power Pole Replacement Project (WBSE 10.10.1271) (Project), in the amount of \$2,915,718, is funded by the 800 MHz Replacement Project (10.10.0009) and is included in the 2024-25 Capital Improvement Program (CIP) Budget. The Project and Facilities Management Department (PFMD) will closely monitor and evaluate construction costs associated with replacement of outdated power lines, cross arms, cross arm hardware, power poles, tree trimming, and tree removal. No budget adjustments are requested at this time but may be presented to the Board of Supervisors (Board) for consideration at a future date.

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BACKGROUND INFORMATION

The Bertha Peak radio site, owned by the United States Forest Service (USFS) and leased by San Bernardino County provides public safety emergency communication services to the Big Bear and Baldwin Lake population centers and associated forest areas. Commercial power is provided via a county-owned and maintained pole-mounted power line from Highway 38 to the Bertha Peak radio site, approximately 1.5 miles and 30 poles. Two wooden poles were replaced in 2017 due to fallen trees; the existing wooden poles are nearing the end of their service life and are susceptible to future failures.

On February 9, 2024, the existing power line broke and was repaired promptly by ITD. The power line failure was due to a tree limb that was resting on the power line, which caused the line to break. Commercial power was lost; however, emergency backup power was used to keep the site running while repairs took place to avoid impacting emergency services for the area.

ITD and an electrical subcontractor are concerned that the power lines are outdated and in dire need of replacement before they ignite a forest fire or results in another power failure impacting emergency services. The replacement of existing outdated power lines, utility poles, cross arms, cross arm hardware and tree trimming with new power lines, utility poles, cross arms and cross arm hardware that are compliant with current regulatory standards are required to ensure the safety of the power lines and mitigate the risk of fire or loss of power.

On June 25, 2024 (Item No. 72), the Board found there is substantial evidence that immediate action is needed to prevent or mitigate the threat to life, health, property and essential public services posed by the damaged power line that provides power to the Bertha Peak Communication site, which constituted an emergency pursuant to Public Contract Code section 22050, requiring immediate action at the Bertha Peak Communications site in Big Bear, to allow uninterrupted public safety emergency communication services and will not permit the delay resulting from a formal competitive solicitation of bids to procure construction services. The Board also approved Resolution No. 2024-98 authorizing the Chief Executive Officer (CEO) to direct the Purchasing Agent to issue purchase orders and/or execute contracts, in a total amount not to exceed \$2,329,803, for any remediation, construction, and modifications of internal and external structures related to the replacement of power poles, and found that the issuance of these purchase orders and/or contracts is necessary to respond to this emergency pursuant to Public Contract Code sections 22035 and 22050.

On September 5, 2024, the Line Fire impacted the start of the Project. Highways 38, 330, and 18 leading to Big Bear were closed due to the fires. As a result, the Project was delayed and began on October 7, 2024.

On March 25, 2025, (Item No. 36), the Board approved Resolution No. 2024-98 to increase the original not to exceed budget by \$585,915, from \$2,329,803, to \$2,915,718 for any remediation, construction, and modifications related to the powerlines, cross arms, cross arm hardware, power poles, tree trimming, and tree removal necessary to respond to the emergency, which included the replacement of 26 additional poles in order to support the heavier weight of the new powerlines and meet the utility company's current standards.

On April 7, 2025, the Purchasing Director executed permit "MTD1329: US Department of Agriculture Forest Service, Powerline Facility Permit for Non Federal Entities" which extends the

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expiration date to December 31, 2054, per the Board approved Resolution No. 2024-98 authorizing the Chief Executive Officer (CEO) to direct the Purchasing Agent to issue purchase orders and/or execute contracts, in a total amount not to exceed \$2,915,718, for any remediation, construction, and modifications of internal and external structures related to the replacement of power poles, and found that the issuance of these purchase orders and/or contracts is necessary to respond to this emergency pursuant to Public Contract Code sections 22035 and 22050.

On May 13, 2025, the Purchasing Director executed permit "MTD1342: US Department of Agriculture Forest Service, Special Use Permit" which extends the expiration date to December 31, 2026, per the Board approved Resolution No. 2024-98 authorizing the CEO to direct the Purchasing Agent to issue purchase orders and/or execute contracts, in a total amount not to exceed \$2,915,718, for any remediation, construction, and modifications of internal and external structures related to the replacement of power poles, and found that the issuance of these purchase orders and/or contracts is necessary to respond to this emergency pursuant to Public Contract Code sections 22035 and 22050. There are several poles that must be addressed as they are located within a Limited Operating Area. These poles are situated at the bottom of the hill near the Rim of the World Scenic Highway. The poles must be replaced after August 31, 2025, as specified by the USFS.

A continuation of the emergency is recommended as immediate action is required to repair the damaged power line that provides power to the Bertha Peak Communications site. Emergencies related to Public Contract Code section 22050, once ordered, must be affirmed at each subsequent meeting until terminated. The recommended action will meet this requirement.

PROCUREMENT

On April 11, 2024, PFMD prepared a scope of work and solicited a quote from Western Construction Specialist Inc. (Western CSI) to repair the damaged power lines, perform tree cutting and trimming, replace two utility poles, and replace 34 cross arms. PFMD received Western CSI's quote on June 21, 2024, in the amount of \$1,249,034.85 for the services solicited.

On June 2, 2024, PFMD reached out to USFS to coordinate the work that will take place on USFS Land. USFS requested project information, such as staging locations and designs for the replacement of the poles. On July 3, 2024, Western CSI provided the requested information, and PFMD sent it to USFS.

On August 8, 2024, USFS issued the permit to PFMD for the repair of the damaged power lines, tree cutting and trimming, replacement of two utility poles, and replacement of 34 cross arms. The permit, contract with Western CSI, and memo were sent on August 8, 2024, to the CEO for approval to allow the Director of Purchasing to execute the permit.

On August 13, 2024, the Director of the Purchasing Department, under the direction of the CEO, approved Contract No. 4400026288, in the amount of \$1,249,034.85, with Western CSI, for the repair of the damaged power lines, tree cutting and trimming, replacement of two utility poles, and replacement of 34 cross arms.

On September 4, 2024, the Director of the Purchasing Department, under the direction of the CEO, approved the USFS Special Use Permit, with a fee in the amount of \$1,443, for the repair

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of the damaged power lines, tree cutting and trimming, replacement of the utility poles, and replacement of 34 cross arms.

On October 7, 2024, a Notice to Proceed was issued to Western CSI. After conducting a wind load study on all the existing poles, Western CSI determined that 28 poles need replacement to support the heavier weight of the new power lines and meet the utility company's current standards. United States Forestry also requested that the powerline be rerouted 150 feet to the west.

On February 21, 2025, the Director of the Purchasing Department, under the direction of the CEO, approved Amendment No. 1 to Contract No. 4400026288, in the amount of \$961,965.15, for a total contract amount of \$2,211,000, to replace the 28 poles and reroute the powerline 150 feet to the west, with no change to the contract term. Construction is expected to be completed in December 2025 due to inclement weather. However, the schedule is tentative and subject to change due to inclement weather conditions.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Kaleigh Ragon, Deputy County Counsel, 387-5455) on April 29, 2025; Innovation and Technology (Steve Miller, Division Chief, 388-0705) on April 29, 2025; Purchasing (Dylan Newton, Buyer III, 387-3377) on April 29, 2025; Project and Facilities Management (Don Day, Director, 387-5000) on April 29, 2025; Finance (Yael Verduzco, Principal Administrative Analyst, 387-5285) on April 29, 2025; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on May 4, 2025.

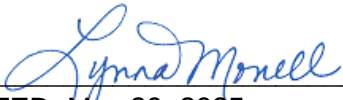
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Curt Hagman
Ayes: Col. Paul Cook (Ret.), Dawn Rowe, Curt Hagman, Joe Baca, Jr.
Absent: Jesse Armendarez

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: May 20, 2025



cc: File - Emergency/Bertha Peak Communication Site
MBA 05/22/2025