

**REPORT/RECOMMENDATION TO THE BOARD OF DIRECTORS
OF SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT
AND RECORD OF ACTION**

September 26, 2023

FROM

**DAN MUNSEY, Fire Chief/Fire Warden, San Bernardino County Fire Protection District
DON DAY, Director, Project and Facilities Management Department**

SUBJECT

Continuation of Emergency Remediation Project at 120 S. D Street in San Bernardino

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Fire Protection District, continue the finding, first made by the San Bernardino County Fire Protection District Board of Directors on August 22, 2023, that there is substantial evidence the finding of lead-based paint contamination at 120 S. D Street in San Bernardino 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 remediate the hazardous materials, to allow staff to continue to provide essential public safety services, and would not permit the delay resulting from a formal competitive solicitation of bids to procure construction services, and delegating authority, by Resolution on August 22, 2023, to the Chief Executive Officer to direct the Purchasing Agent to issue purchase orders and/or contracts, in a total amount not-to-exceed \$2,994,472, for any emergency remediation, construction, and modifications of internal and external structures related to the lead-based paint contamination at 120 S. D Street in San Bernardino, 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 Discretionary General Funding (Net County Cost). The Emergency Remediation Project (Project) (WBSE 10.10.1495) budget of \$2,994,472 will be funded by the San Bernardino County Fire Protection District (SBCFPD) through the use of available reserves and may potentially be reimbursed by insurance proceeds. No budget adjustments are requested at this time but will be presented to the appropriate governing body for consideration at a future date, if necessary.

BACKGROUND INFORMATION

The building located at 120 S. D Street in San Bernardino (Premises) is a 22,000 square foot facility used by SBCFPD as a mechanic shop. On June 15, 2023, SBCFPD received an environmental testing report from a contracted vendor which confirmed that the facility was contaminated by lead based paint (LBP) dust and paint flakes. The Environmental Protection Agency categorizes LBP as a toxic substance regulated by the Toxic Substances Control Act.

Upon confirmation of the LBP contamination, SBCFPD immediately ceased operations in the contaminated portion of the facility and relocated staff temporarily to operate out of another facility, which provides challenges for SBCFPD mechanics to support emergency services. SBCFPD sought consultation from an LBP remediation company who confirmed the amount of remediation required to properly and safely clean the facility is extensive.

On August 22, 2023 (Item No. 92), the SBCFPD Board of Directors (Board) found there was substantial evidence that the finding of LBP contamination at the Premises on June 15, 2023, 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 remediate the hazardous materials, to allow staff to continue to provide essential public safety services, and would not permit the delay resulting from a formal competitive solicitation of bids to procure construction services. The Board also adopted Resolution No. 2023-158 authorizing the Chief Executive Officer (CEO) to direct the Purchasing Agent to issue purchase orders and/or contracts, in a total amount not-to-exceed \$2,994,472, for any emergency remediation, construction, and modifications of internal and external structures related to the finding of LBP contamination at the Premises, and found that the issuance of these purchase orders and/or contracts is necessary to respond to the emergency pursuant to Public Contract Code sections 22035 and 22050. The Director of the Project and Facilities Management Department (PFMD) is authorized to accept the work when 100% complete and execute and file the Notice of Completion.

PFMD continues to evaluate the emergency and work to procure services to complete the required remediation with the goal of releasing the Premises back to SBCFPD to resume normal operations. PFMD expects to prepare a scope of work and contract for presentation to the CEO in the near future. Continuation of the emergency is recommended as immediate action is required to provide a safe working environment for SBCFPD personnel and enable SBCFPD to provide essential public safety services. 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

When a project is necessary to address the effects of the emergency, PFMD will prepare a scope of work, quote and/or contract to be approved by the Chief Executive Officer, and then signed by the contractor. A purchase order will then be requested and finalized by the Purchasing Department to engage the architect, engineer and/or contractor to provide the required construction services.

**Continuation of Emergency Remediation Project at 120 S. D Street in
San Bernardino
September 26, 2023**

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Julie Surber, Principal Assistant County Counsel, and Scott M. Runyan, Principal Assistant County Counsel, 387-5455) on August 31, 2023; San Bernardino County Fire Protection District (Bertral Washington, Deputy Fire Chief, 387-5974) on August 31, 2023; Risk Management (Victor Tordesillas, Director, 386-8623) on August 31, 2023; Purchasing (Leo Gomez, Purchasing Manager, 387-2063) on August 31, 2023; Project and Facilities Management (Robert Gilliam, Chief of Project Management, 387-5000) on August 31, 2023; Finance (Yael Verduzco, Principal Administrative Analyst, 387-5285) on September 6, 2023; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on September 11, 2023.

**Continuation of Emergency Remediation Project at 120 S. D Street in
San Bernardino
September 26, 2023**

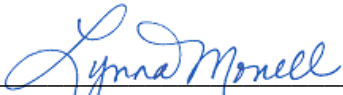
Record of Action of the Board of Directors
San Bernardino County Fire Protection District

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Jesse Armendarez

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

Lynna Monell, SECRETARY

BY 
DATED: September 26, 2023



cc: File - Emergency/120 S. D Street
JLL 09/27/2023