

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

August 19, 2025

FROM

DON DAY, Director, Project and Facilities Management Department

VICTOR TORDESILLAS, Deputy Executive Officer, County Administrative Office

SUBJECT

Procurement of Emergency Project Necessary to Recover from Fire at 364 N. Mountain View Avenue

RECOMMENDATION(S)

1. Find that the 364 North Mountain View Fire Recovery Project is exempt under the California Environmental Quality Act Guidelines, Section 15301 Existing Facilities, Class 1 (d) restoration or rehabilitation of damaged structures, facilities or mechanical equipment to meet current standards of public health and safety.
2. Find that 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 fire damage caused on July 1, 2025 to the building located at 364 N. Mountain View Avenue, which constitutes an emergency pursuant to Public Contract Code section 22050, and that this emergency will not permit the delay resulting from a formal competitive solicitation of bids to procure remediation and construction services (Four votes required).
3. Adopt **Resolution No. 2025-189** authorizing the Chief Executive Officer to direct the Purchasing Agent to issue purchase orders and/or execute contracts, in a total amount not to exceed \$3,000,000, for any remediation, demolition, construction, and modifications of internal and external structures related to the fire and the damage it caused and find 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).
4. Authorize the Chief Executive Officer to direct the Purchasing Agent to issue purchase orders and/or execute a property restoration services contract with BELFOR USA Group, Inc., with rates and non-standard terms identified in the Public Risk Innovation, Solutions, and Management Master Service Agreement, in an amount not-to-exceed \$1,000,000.
5. Authorize the Director of the Project and Facilities Management Department to accept the work when 100% complete and execute and file the Notice of Completion.
6. Approve Capital Improvement Program Project No. 26-061, in the amount of \$3,000,000, for the 364 N. Mountain View Fire Recovery Project.
7. Authorize the Auditor-Controller/Treasurer/Tax Collector to post the budget adjustments, as detailed in the Financial Impact section, for the 364 N. Mountain View Fire Recovery Project (Four votes required).
8. Direct the Project and Facilities Management Department to file and post the Notice of Exemption as required under the California Environmental Quality Act.

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

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COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

FINANCIAL IMPACT

Approval of this item may result in the use of additional Discretionary General Funding (Net County Cost) for the 364 N. Mountain View Fire Recovery Project (364 MVFR Project). At this time, it is anticipated that insurance proceeds will reimburse fire remediation expenses. In the event that the estimated fire remediation expenses exceed the anticipated insurance proceeds or the insurance claim is denied, a recommendation for Discretionary General Funding will be presented for Board of Supervisors (Board) consideration at a future meeting. The Project and Facilities Management Department (PFMD) will closely monitor and evaluate remediation and construction costs associated with the fire which occurred on July 1, 2025, at 364 N. Mountain View Avenue.

The following budget adjustments are necessary to establish the 364 MVFR Project's budget and transfer funds to PFMD. Expenses will be reimbursed as incurred.

Fund Center	Commitment Item	Description	Action	Amount	WBSE
7310004080	40709802	Excess Insurance Reimbursement	Increase	\$3,000,000	
7310004080	52002515	Reimbursement for Disbursement	Increase	\$3,000,000	
7700003100	40809970	Other	Increase	\$3,000,000	10.10.1958
7700003100	54304030	Structures & Improvements to Structures	Increase	\$3,000,000	10.10.1958

BACKGROUND INFORMATION

On July 1, 2025, the County experienced severe property loss from a major fire that swept through the structure located at 364 N. Mountain View Avenue, San Bernardino. This historically registered building is County-owned and was previously occupied by the Public Defender's Office and was vacant during the time of the fire. The building was in the design phase for the 364 N. Mountain View Improvements Project (364 MVI Project), which will remodel the facility for use by the County's Sheriff Court Services (SCS) division to remodel and occupy.

On September 10, 2024 (Item No.63), the Board of Supervisors (Board) approved the Sherriff Court Services Relocation Feasibility Study Project, Project No.25-068, to conduct a thorough analysis of the building's architectural, mechanical, electrical, and plumbing system, in addition to its historical architectural status. The feasibility study on the two-story U-shaped building was conducted to assess the current conditions and determine the necessary modifications that would be needed to house the Sherriff Court Services division (Sheriff Court Services).

PFMD assessed and reviewed the feasibility study dated January 7, 2025, which identified the required improvements.

On April 29, 2025 (Item No. 73) the Board approved the 364 MVI Project, Project No. 25-194, to address the required improvements to 364 N. Mountain View Avenue in San Bernardino. The scope of work for this project will includes the abatement of hazardous materials, replacement

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of the electrical, plumbing, heating, ventilation and air conditioning systems, the installation of a fire sprinkler system, the necessary interior and exterior upgrades to comply with accessibility requirements per the California Building Code and Americans with Disability Act. The interior buildout will accommodate the San Bernardino County Sheriff Court Services Division program. At the time of the fire, the 364 MVI Project was still in early stages of the design phase, and no construction had yet begun.

The fire created an unanticipated and separate need for an emergency 364 MVFR Project to address remediation, safety hazards, and a structural assessment. While distinct from the 364 MVI Project, the recovery work is essential to avoid further damage to the building and to maintain the schedule for the Sheriff Court Services relocation.

Direct procurement will be needed for Project remediation and potential construction services at 364 N. Mountain View Avenue, such as industrial hygienist vendors, structural engineering services, structural remediation of damaged structural members, roof repairs, among any other necessary services. At this time, it is unknown whether the building will be salvageable or not, and one of the purposes of this Project is to make that determination.

A delay to solicit competitive bids for Project remediation/construction work at 364 N. Mountain is not feasible, as immediate action is required to provide safe site conditions that do not allow further damages to the building by environmental or human occurrences, as well as to maintain the required schedule of the relocation of Sheriff Court Services. PFMD recommends that the Board find there is an emergency pursuant to Public Contract Code section 22050 that requires immediate action, and pursuant to Public Contract Code section 22035 and 22050 to authorize the Purchasing Agent to issue purchase orders necessary for the Project remediation/re-construction at the building, thus mitigating the loss of health, property and essential public services. Emergencies related to Public Contract Code Section 22050, once ordered, must be affirmed at each subsequent meeting until terminated.

Further, PFMD recommends the Board approve the resolution authorizing the Purchasing Agent, subject to Chief Executive Officer approval, to issue Purchase Orders and/or contracts, in a total amount not to exceed \$3,000,000, for any emergency remediation, construction and modifications of internal and external structures related to the Project.

PFMD also recommends the Board authorize the Chief Executive Officer to direct the Purchasing Agent to issue purchase orders and/or execute a property restoration contract with BELFOR USA Group, Inc. (Belfor) in an amount not-to-exceed \$1,000,000. The County intends to utilize a master agreement its insurance company, Public Risk, Innovation, and Management (PRISM), holds with Belfor for these services. On March 25, 2014 (Item No. 49), the Board approved a Joint Powers Authority Agreement (JPA) between the County and the California State Association of Counties - Excess Insurance Authority (CSAC-EIA), which granted eligibility for the County to purchase insurance through CSAC-EIA shared limits programs. The JPA remains in effect until the County cancels its membership or until the CSAC-EIA Board of Directors cancels County participation with a majority vote. In 2020, CSAC-EIA changed its name to PRISM. The master agreement contains reduced rates for Belfor services and lists the terms that would govern any contract the County enters into with Belfor to obtain those reduced rates. It is believed that the aggregate cost of the purchase will exceed Purchasing's delegated authority, so the emergency provisions of Policy 11-04 require it to be approved by the Board at the next scheduled meeting following the determination that the costs might exceed authorization.

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The master agreement includes non-standard terms that would be incorporated into the future Belfor property restoration contract. The non-standard terms include the following:

1. The venue is Sacramento County.
 - The County standard contract requires venue for disputes in Superior Court of California, County of San Bernardino, San Bernardino District.
 - Potential Impact: If there is litigation, the County could incur additional expenses for travel to Sacramento County.
2. All disputes arising under the Agreement must be settled by binding arbitration.
 - The County standard contract does not require arbitration.
 - Potential Impact: Binding arbitration decisions are not appealable. In addition, disputes that might otherwise be settled in small claims court would incur arbitration costs that could exceed the costs of a small claims action, and the Agreement amount.
3. Payment terms are 30 days with late payment interest of 1% per month.
 - The County standard payment terms are net 60.
 - Potential Impact: County standard processing time is 60 days or more. Failing to pay within 30 days of invoice may result in a material breach of the Agreement, which could allow Belfor to terminate the Agreement and seek other legal remedies, including charging the County interest at a rate of 1% a month, which could exceed the Agreement amount.

It is recommended the Board of Supervisors (Board) determine the Project to be categorically exempt from further review under Section 15301 Existing Facilities, Class 1, of the CEQA Guidelines (Title 14, California Code of Regulations), which (d) restoration or rehabilitation of damaged structures, facilities or mechanical equipment to meet current standards of public health and safety.

PROCUREMENT

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.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Daniel Pasek, Deputy County Counsel, 387-5455) on August 7, 2025; Risk Management (Gregory Ustaszewski, Staff Analyst II, 386-9008) on July 29, 2025; Purchasing (Ariel Gill, Supervising Buyer, 387-2070) on July 29, 2025; Project and Facilities Management (Sarah Riley, Chief of Project Management, 387-5000) on August 7, 2025; and County Finance and Administration (Amanda Trussell, Principal Administrative Analyst, 387-4773 and Ivan Ramirez, Administrative Analyst, 387-4020) on August 8, 2025.

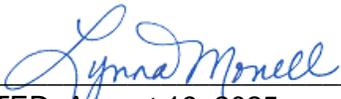
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: August 19, 2025



cc: File - Emergency/Fire 364 N. Mountain View Ave
MBA 08/22/2025