

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

June 28, 2022

FROM

DON DAY, Director, Project and Facilities Management Department

VICTOR TORDESILLAS, Director, Department of Risk Management

SUBJECT

Procurement of Emergency Project Necessary to Recover from Fire at 172 W. 3rd Street

RECOMMENDATION(S)

1. Find that there is substantial evidence that the fire at 172 W. 3rd Street on June 19, 2022, 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 fire remediation activities at 172 W. 3rd Street, and remodel/renovations of portions of 268 W. Hospitality Lane, San Bernardino, to allow staff to provide services and will not permit the delay resulting from a formal competitive solicitation of bids to procure remediation and construction services (Four votes required).
2. Approve **Resolution No. 2022-131** 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 \$5,000,000, for any remediation, construction, and modifications of internal and external structures related to the fire 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).
3. 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.

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

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 will not result in the use of additional Discretionary General Funding (Net County Cost). At this time, it is anticipated that insurance proceeds will reimburse for fire remediation expenses. In the event that the estimated fire remediation expenses exceed the approved insurance proceeds, 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 construction costs associated with the accommodation of employees displaced by the fire which occurred on June 19, 2022, at 172 W. 3rd Street (Project). The costs associated with addressing or preventing the effects of the Project will be applied to an existing Capital Improvement Program (CIP) Project for 268 W. Hospitality Lane (Hospitality Lane) renovations, as well as a Minor CIP project number established to track remediation costs. No budget adjustments are requested at this time but will be presented to the Board for consideration at a future date.

**Procurement of Emergency Project Necessary to Recover from Fire at
172 W. 3rd Street
June 28, 2022**

BACKGROUND INFORMATION

On June 19, 2022, the County experienced severe property loss from a major fire that swept through 172 W. 3rd Street, San Bernardino. This building is County-owned and provides workspace for various County departments, including Land Use Service - Code Enforcement (Code Enforcement). Code Enforcement occupied space on the 4th floor of the Building and the County requires office space for Code Enforcement employees to safely work and to continue to provide essential public services.

On April 26, 2022 (Item No. 28), the Board approved a CIP for furniture, fixtures and equipment, painting, and flooring for the 3rd floor located at Hospitality Lane in San Bernardino. One of the departments that planned to occupy part of this new space is Code Enforcement. In an effort to maintain essential public services and allow Code Enforcement employees a safe workspace to provide the essential public services to County residents, the County requires immediate construction services in order to remodel/renovate portions of Hospitality Lane for Code Enforcement employees.

Additionally, direct procurement will be needed for Project remediation services at 172 W. 3rd Street such as Industrial Hygienist vendors, structural engineering services, among any other necessary services.

A delay to solicit competitive bids for the remodel/renovation work at Hospitality Lane as well as Project remediation is not feasible, as immediate action is required to provide a safe working environment for Code Enforcement employees, and to continue to provide essential public 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 remodel/renovation work at Hospitality Lane and Project remediation 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 \$5,000,000, for any emergency remediation, construction and modifications of internal and external structures related to the Project.

PROCUREMENT

When a project is necessary to address the effects of the Project, PFMD shall prepare a scope of work for approval by the Chief Executive Officer, prepare a quote and/or contract to be signed by the contractor and attach to a Purchase Order, request and finalize the Purchase Order with the Purchasing Department, and then engage the architect, engineer and/or contractor to provide the required construction services. Applicable provisions of the Government Code and Public Contract Code shall not apply.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Julie Surber, Principal Assistant County Counsel, 387-5455) on June 23, 2022; Risk Management (Victor Tordesillas, Director, 386-8623) on June 23, 2022; Purchasing (Bruce Cole, Supervising Buyer, 387-2148) on June 23, 2022; Finance (Yael Verduzco, Principal Administrative Analyst, 387-5285) on June 23, 2022; and County Finance and Administration (Diana Atkeson, Deputy Executive Officer, 387-4376) on June 23, 2022.

**Procurement of Emergency Project Necessary to Recover from Fire at
172 W. 3rd Street
June 28, 2022**

Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 28, 2022



cc: W/RESOLUTION
File- Emergency/172 W. 3rd. Street Fire
LA 07/11/2022