

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

October 8, 2024

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, to the Chief Executive Officer to direct the Purchasing Agent to issue purchase orders and/or contracts, in a total amount not to exceed \$2,329,803, 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 Discretionary General Funding (Net County Cost). The Innovation and Technology Department (ITD) Bertha Peak Power Pole Replacement project (WBSE 10.10.1271) (Project) is funded by the Telecommunication Service Fund (1200304020) 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Management Department (PFMD) will closely monitor and evaluate construction costs associated with replacement of outdated power lines, cross arms, cross arm hardware, power poles, tree trimming, and tree removal.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 for consideration at a future date.

BACKGROUND INFORMATION

**Continuation of Emergency Related to Remediation of Emergency
Project Necessary to Replace the Bertha Peak Power Lines and Poles in
Big Bear
October 8, 2024**

The Bertha Peak radio site owned by the United States Forest Service 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 the power lines are outdated and in dire need of replacement before it ignites 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 began and has impacted the start of the Bertha Peak Utility Pole Replacement project. The 38, 330, and 18 Highways leading to Big Bear remain closed due to the fires. The project will begin once the Line Fire is fully contained and all fire-related activities have ended.

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

PFMD prepared a scope of work to repair the damaged power lines and entered into negotiations with a contractor to make the necessary repairs. PFMD will seek approval by the CEO, request and finalize the purchase order with the Purchasing Department, and engage the

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architect, engineer and or contractor to provide the required construction services. Applicable provisions of the Government Code and Public Contract Code shall not apply.

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 thirty-four 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 United States Forestry Services (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. Permitting from USFS may take up to four weeks after receipt of all required information.

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 thirty-four cross arms. The permit, delegated authority, and memo have been sent to the CEO to approve and 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 a contract, 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 thirty-four 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 of the damaged power lines, tree cutting and trimming, replacement of the utility poles, and replacement of thirty-four cross arms.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Daniel Pasek, Deputy County Counsel, 387-5455) on September 18 2024; Innovation and Technology (Steve Miller, Deputy Division Chief, 388-0705) on September 20 , 2024; Purchasing (Ariel Gil, Purchasing Manager, 387-2070) on September 23, 2024; Project and Facilities Management (Robert Gilliam, Chief of Project Management, 387-5000) on September 23, 2024; Finance (Garrett Baker, Administrative Analyst, 387-3077) on September 23, 2024; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on September 23, 2024.

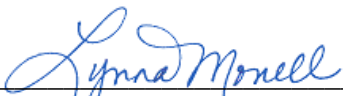
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: October 8, 2024



cc: File - Emergency/Bertha Peak Communication Site
MBA 10/10/2024