



# San Bernardino County

## Legislation Text

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**File #: 6693, Agenda Item #: 43**

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

**September 13, 2022**

#### **FROM**

**DON DAY, Director, Project and Facilities Management Department**

#### **SUBJECT**

Procurement of Emergency Project Necessary to Recover from Unplanned Mechanical Failures at 157 and 175 W. 5<sup>th</sup> Street

#### **RECOMMENDATION(S)**

1. Find that there is substantial evidence that the major mechanical failure on August 22, 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 an urgent mechanical system overhaul or replacement at 157 and 175 West 5<sup>th</sup> Street in San Bernardino, to allow staff to continue to provide services and will not permit the delay resulting from a formal competitive solicitation of bids to procure construction services (Four votes required).
2. Approve Resolution authorizing the Chief Executive Officer to direct the Purchasing Agent to issue purchase orders and/or contracts, in a total amount not to exceed \$2,000,000, for any emergency remediation, construction and modifications of internal and external structures related to the mechanical failures 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). The cost for the urgent mechanical system overhaul or replacement caused by the mechanical failure and loss of building cooling is \$2,000,000 and will be funded by the Minor Capital Improvement Program (MCIP). No budget adjustments are requested at this time but may be presented to the Board of Supervisors (Board) for consideration at a future date.

#### **BACKGROUND INFORMATION**

The buildings located at 157 and 175 West 5<sup>th</sup> Street in San Bernardino were built in 1957 and are in an aging condition. The mechanical systems which feed heating and cooling into these building have undergone extreme stress from consistent daily temperature extremes, which have contributed to major failures.

Currently, executive leadership and numerous employees from the Probation Department, San Bernardino County Fire Protection District, and Human Resources Department occupy this building, along with their management teams. Sheriff Court Services Division also manages an operation in this building.

On August 22, 2022, the County experienced a major emergency in which vibration from an aging and undersized cooling system caused a large refrigerant leak that resulted in the shutdown of cooling to the entire building for a week. Office temperatures ranged from an average of 80-86 degrees and staff have been forced to either leave the building before afternoon heat or work in unproductive, uncomfortable, and potentially unsafe conditions.

The Project and Facilities Management Department (PFMD), Facilities Management Division mobilized an on-call contractor to fix the leak and provide a comprehensive written assessment of the heating and cooling systems which is forthcoming. Preliminary written reports from the contractor have indicated that the cooling system feeding the building is insufficient compared to the size and occupant load the building feeds. The building remains at risk of another major mechanical failure due to the age and size of the system and consistently high daily temperatures that are expected to continue for some time.

A delay to solicit competitive bids for the overhaul or replacement work at the building is not feasible, as immediate action is required to provide a safe working environment and maintain essential services for Probation Department, San Bernardino County Fire Protection District, Sheriff Court Services Division, and Human Resources Department employees, and to continue to provide essential public services.

Staff 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 Chief Executive Officer (CEO) to direct the Purchasing Agent to issue purchase orders and/or contracts necessary for the overhaul or replacement on the mechanical system at 157 and 175 West 5<sup>th</sup> Street, thus mitigating the loss of health, property, and essential public services.

### **PROCUREMENT**

When a project is necessary to address the effects of the emergency, 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 (Katherine Hardy, Deputy County Counsel, 387-5455) on August 29, 2022; Purchasing (Bruce Cole, Supervising Buyer, 387-2148) on August 30, 2022; Finance (Yael Verduzco, Principal Administrative Analyst, 387-5285) on August 30, 2022; and County Finance and Administration (Diana Atkeson, Deputy Executive Officer, 387-4376) on August 30, 2022.