

RESOLUTION 24-823

A RESOLUTION OF THE BOARD OF DIRECTORS OF GOLETA WEST SANITARY DISTRICT DECLARING AN EMERGENCY AND AUTHORIZING THE GENERAL MANAGER TO CONTRACT WITH TIERRA CONTRACTING, INC. AND NEWTON CONSTRUCTION & MANAGEMENT AND TAKE ALL OTHER NECESSARY ACTIONS TO ADDRESS THE EMERGENCY

WHEREAS, after recent scattered showers District staff discovered unusual moisture in and around a section of force main pipe. Upon sample testing, staff confirmed there was a force main leak that intermittently appeared in a pothole, but never actually caused a noticeable spill on the dirt surface directly outside the west wall of Pump Station 1 where construction work associated with the west parking area has been taking place.

WHEREAS, in order to mitigate further leakage and damage, as well as prepare for rain events projected for the end of January and beginning of February, emergency repairs of the line are necessary. Staff has determined that waiting for a competitive bidding solicitation for bid could result in a threat to public health and safety based on the potential for significant uncontrolled sewer release.

WHEREAS, the repairs will cost in excess of \$15,000, which exceeds the amount allowed under Public Contract Code Section 20803 to avoid the bidding process. Tierra Contracting, Inc. and Newton Construction & Management have submitted proposals for the repair work, which is estimated to cost \$282,307 and \$44,626, respectively, or \$326,933 total.

WHEREAS, the anticipated repairs will generally consist of repair and replacement of 170 linear feet of 18-inch asbestos cement pipe with 18-inch ductile iron pipe, 120 feet of a reclaimed water pipeline, and associated clean-out and removal/replacement of overlying asphalt.

WHEREAS, the Board of Directors may, by a four-fifths vote, delegate to the General Manager to take any directly related and immediate action required by an emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts (Public Contract Code Sections 20806 and 22050).

WHEREAS, Board Policy Handbook Section 21.3.1.2 also excepts the purchase of supplies or equipment from bidding procedures in cases of an emergency and permits acquisition from the nearest available source.

NOW, THEREFORE, the Board of Directors of the Goleta West Sanitary District does resolve as follows:

1. The Board finds the above recitals true and correct and are incorporated herein.

2. An emergency is hereby declared pursuant to Public Contracts Code Section 20806 and 22050, and the public interest and necessity demand the immediate expenditure of district funds to safeguard life, health and property. The emergency will not permit a delay for the award of contracts pursuant to a competitive solicitation of bids, which process is hereby waived.

3. The General Manager is authorized to expend public funds to protect life, health, or property endangered by this emergency without complying with the competitive bidding process, and as such ratifies entering into contract with Tierra Consulting, Inc. and Newton Construction & Management on the terms and conditions stated in their respective proposals.

4. The anticipated expenditure to address the emergency is within the District's approved budget.

5. Pursuant to Public Contract Code Section 22050(b), the Board further authorizes the General Manager to take any directly related and immediate action required by the emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.

6. The Board shall review the emergency action at its next regularly scheduled meeting, and at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action.

7. The activity is categorically exempt from the California Environmental Quality Act (CEQA) because it involves the repair, replacement and/or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity (14 CCR Section 15301.) Furthermore, none of the exceptions to the use of this exemption apply. The activity is also exempt from CEQA because it involves an emergency repair of a public facility (14 CCR Section 15269(b).) This exemption applies to repairs to publicly or privately owned facilities necessary to maintain service essential to the public health, safety or welfare. Here, the emergency repair of the utility system is being pursued so to avoid a potential leak in an existing sewer service system, and is thus necessary to maintain service to the public health, safety and welfare. For the foregoing reasons, the activity is exempt from CEQA.

PASSED AND ADOPTED by the Board of Directors of the Goleta West Sanitary District, Santa Barbara County, California at a special meeting duly held on the 30th day of January 2024.


I HEREBY CERTIFY that the forgoing Resolution was adopted by the Board of Directors of the Goleta West Sanitary District, Santa Barbara County, California at a meeting thereof held on the 30th day of January 2024, by the following vote of the members thereof:

AYES: Bearman, Lewis, Turenchalk, Thomas

NOES:

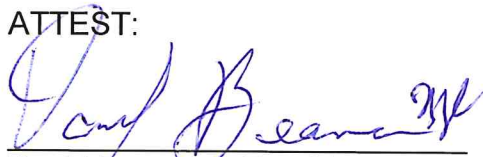
ABSTAIN:

ABSENT: Geyer



Brian McCarthy, Clerk - Secretary
(SEAL)

ATTEST:



David Bearman, President

