



# MOUNTAINS RECREATION & CONSERVATION AUTHORITY

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## MEMORANDUM

TO: The Governing Board

FROM:  Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Officer

DATE: March 6, 2019

SUBJECT: **Agenda Item VIII: Report from staff on emergency actions taken pursuant to Resolution No. 19-09 and consideration of resolution confirming the need for continuing emergency contracting procedures in response to the Woolsey Fire, subsequent rainstorms, and related incidents.**

Staff Recommendation: That the Governing Board adopt the attached resolution confirming the need for continuing emergency contracting procedures in response to the Woolsey Fire, subsequent rainstorms, and related incidents.

Background: On November 14, 2018 the Governing Board unanimously adopted Resolution 18-195 which authorized an emergency declaration in response to the Woolsey Fire. On January 19, 2019, the Governing Board adopted Resolution 19-09 that confirmed the declaration and authorized related emergency procedures, including delegation of authority to the Executive Officer to award contracts for services or the procurement of supplies or equipment. If any action is taken pursuant to an emergency delegation, the Governing Board must consider any such action at every subsequent regular meeting to determine if an emergency situation continues to exist. Therefore, on February 20, 2019 the Governing Board adopted Resolution 19-24 confirming the declaration and award of a contract to Scott and Sons Electric for the restoration of power service to the Barwood and Barn structures in Ramirez Canyon Park, in the amount of \$73,680.

Since the last report to the Governing Board, no additional actions have been taken pursuant to the emergency delegation. The contractor (Scott and Sons) has ordered the required equipment and revised the proposed location of conduit. The statute requires the emergency situation to terminate at the earliest possible date. Terminating the electrical contract and initiating a new competitive process at this time would cause unacceptable delays for the restoration of power. Electricity is needed as soon as possible to facilitate the removal of water from the lower levels of the property's buildings. Rain has continued, with roughly weekly storms that are continuing to damage the property and impede access. Pumps and other electrical-

powered equipment are needed to manage the situation.

Noncompetitive Procurement Justification

The Scott and Sons Electric contract is anticipated to be eligible for FEMA reimbursement under the disaster declaration for the California November Wildfires, DR-4077. FEMA procedures for a non-competitive procurement require written documentation. The following information is provided for that purpose.

1) *Circumstance justifying non-competitive procurement.* The public exigency did not permit the delay that would have resulted from competitive solicitation.

2) *Description of the service procured:* The scope of work is the restoration of electrical power service to the Barn and Barwood buildings/houses in Ramirez Canyon Park. The contractor shall demolish and remove two (2) existing meter enclosures and pads, install two (2) new equipment pads and 600A services (switchgear), trench and intercept existing feeds, install underground pull boxes, install new conduit as needed, and pull/splice new wires. The contract amount is \$73,680.

3) *Why non-competitive procurement is necessary.* The circumstances are exigent because restoration of electricity is the most crucial step toward being able to perform rehabilitation work and reoccupy the two buildings. Staff from MRCA and the Santa Monica Mountains Conservancy evacuated the facility during the fire and have not been able to return for normal operations. They are currently accommodated in temporary offices in multiple locations, but lack a permanent base of operations. Before the buildings can be occupied again, they must be cleaned for smoke and soot damage, and a variety of minor repairs must be made. These actions require a permanent and safe electrical power source. A generator could be used, however renting this equipment would increase repair costs. Furthermore, extensive use of a gas-powered generator is not recommended due to the emissions, noise, hazardous fuel storage, need for constant staff supervision, and fire danger. Restoration of permanent electricity is required to complete the permanent work.

Since the Woolsey Fire, access to the park has been inconsistent and unpredictable. A published notice inviting bids typically includes a prearranged and mandatory site visit. Conditions on the site are now impacted by mudflows and rainy conditions on a regular, yet unpredictable, basis. Coordination of site inspections by prospective contractors is impossible to reliably plan in advance. Furthermore, the rain events following the wildfires have caused additional damage to the structures. A temporary power source is helping to ameliorate the damage, but the situation will continue to worsen until equipment can be run consistently and reliably with less supervision.

4) *Schedule considerations:* The work is anticipated to be completed approximately six weeks after the contract is let. The equipment (switchgear) order requires a minimum three-week lead time to obtain. On site work may be delayed and rescheduled due to weather conditions at this time of year, as well as the likely continuation of mudflows through the site. Even with these potential delays, it is expected that the work will be completed before the exigent circumstances have diminished.

5) *Steps taken to determine non-competitive contract:* The bid was reviewed by MRCA's Chief of Construction and construction management consultant TELACU, and both deemed it to be responsible and responsive. A cost estimate prepared in January predicted the expense of this work to be \$86,500, 17% higher than the bid, and therefore the price was determined to be reasonable and a good value. MRCA staff experience is that few contractors with the capacity to perform government work (including adequate insurance coverage and working on a reimbursable basis) are willing to travel to the relatively remote location of Ramirez Canyon Park. The recovering economy has exacerbated this situation, because the widespread damage caused by the fire (creating high demand for their services), and relatively minor scope of work contribute to a situation where very few qualified and willing contractors are available.

6) *Conflicts of interest:* Before the contract was awarded, an MRCA Deputy Executive Officer researched the registration of the contractor and determined that no MRCA employees with discretion over the purchase were related by blood or marriage to the owner, as is prohibited by MRCA policy.

7) *Other information:* The State of California (<https://tinyurl.com/ybmydt6f>) and the MRCA Governing Board issued emergency proclamations for this wildfire event, both of which allowed for the suspension of competitive bidding requirements. Section 4.0 of MRCA's Purchasing and Contracting Procedures allow the Executive Officer to "...expend with any bidding procedures he or she deems appropriate...".

