



## Legislation Details (With Text)

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**Title:** RESOLUTION BY 4/5 VOTE AUTHORIZING CONTINUED ACTION FOR THE EMERGENCY REPAIR OF 6-INCH FIRE LINE AND RELATED DAMAGES AT THE GENERAL SERVICES ADMINISTRATION BUILDING IN NATIONAL CITY

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| Date       | Ver. | Action By                   | Action  | Result |
|------------|------|-----------------------------|---------|--------|
| 10/12/2021 | 1    | Board of Port Commissioners | adopted |        |

**DATE:** October 12, 2021

**SUBJECT:**

### RESOLUTION BY 4/5 VOTE AUTHORIZING CONTINUED ACTION FOR THE EMERGENCY REPAIR OF 6-INCH FIRE LINE AND RELATED DAMAGES AT THE GENERAL SERVICES ADMINISTRATION BUILDING IN NATIONAL CITY

**EXECUTIVE SUMMARY:**

On September 14, 2021, the Board approved a resolution ratifying the emergency action taken by the Executive Director for the emergency repair of a 6-inch fire line and related damages at General Services Administration Building, including procurement of a contractor to excavate, investigate the extent of damage, and repair the damage. This Agenda allows the Board to review the emergency action and determine that continued action is needed in accordance with Public Contract Code Sections 22035 and 22050 and District Resolution 2000-03 (Attachment A).

On Sunday morning, August 22, 2021, General Services staff noticed a substantial water leak coming from underneath the pavement in front of the General Services Building entrance to the north maintenance bay. The line was determined to be a 6-inch fire service water line and was quickly shut off. A sinkhole formed several hours later above the damaged 6-inch fire line and was observed to be approximately 10-feet in diameter and 4-feet deep and within a foot of the building's northern edge (Attachment B). It is not known how long the leak ran before being shut off. Since the sinkhole is in an area of the parking lot that is highly used by the General Services Staff and is located at the entrance to the north maintenance bay, urgent investigations and repairs to the site were required to prevent further damage to District property. The Executive Director authorized use of emergency action and notified the Board at the meeting on September 14, 2021, to authorize continued use of

emergency contracting to provide investigation, design, and repair to the 6-inch fire line and related damages. The authorization of the emergency contracting waived the necessity of formal bidding procedures as required by the State of California Public Contract Code. An emergency construction contract with the contractor, Cass Arrieta, was executed on September 10, 2021 and is expected to continue through the month of October. A resolution by a 4/5 vote is required for continued action to repair the site.

### **RECOMMENDATION:**

Adopt a Resolution by a 4/5 vote authorizing continued action for the Repair of a 6-Inch Fire Line at General Services Administration Building in National City.

### **FISCAL IMPACT:**

This expenditure was not anticipated as a part of the FY 2022 Budget. As work progresses and total costs are determined, staff will take the appropriate action to transfer funds into the project. The estimated project cost is \$250,000.

### **COMPASS STRATEGIC GOALS:**

This agenda item supports the following Strategic Goal(s).

- A Port that is a safe place to visit, work, and play.

### **DISCUSSION:**

On September 14, 2021, the Board approved a resolution ratifying the emergency action taken by the Executive Director for the emergency repair of a 6-inch fire line and related damages at General Services Administration Building, including procurement of a contractor to excavate, investigate the extent of damage, and repair the damage. This Agenda allows the Board to review the emergency action and determine that continued action is needed in accordance with Public Contract Code Sections 22035 and 22050 and District Resolution 2000-03.

The line was determined to be a 6-inch fire service water line and was quickly shut off. A sinkhole formed several hours later above the damaged 6-inch fire line and was observed to be approximately 10-feet in diameter and 4-feet deep and starts approximately 1-foot away from the building's northern edge (Attachment A). It is not known how long the leak ran before being shut off. There appears to be a depression in the pavement adjacent to the sinkhole, and the existing asphalt pavement heaved approximately 4 to 6-inches at the entrance to the north maintenance bay. The base of the sinkhole collapsed, and the void under the pavement goes up to the building foundation wall, then slopes to the bottom of the pipe at the break location. The current condition threatens the structural integrity of the pavement and potentially undermines the south building column and footing at the north maintenance bay. General Services has secured the area by placing fencing around the affected area, and a 24-hour fire watch is ongoing.

The Engineering on-call geotechnical consultant, Ninyo & Moore, will be onsite to conduct

geotechnical investigations throughout the construction duration to provide recommendations for the repair of the sinkhole and damaged AC pavement and subbase. An emergency construction contract with the contractor Cass Arrieta (Attachment C) was executed and documented for the repair work on September 10, 2021. The site construction began on September 15, 2021. Based on discussions with the National City Fire Marshal, a National City Fire Permit and inspection is required for the repairs and is anticipated to take a minimum of two weeks to obtain a permit. Depending on the fire line material required by the Fire Marshal, staff anticipates up to a three to four week lead time to procure materials. Therefore, construction is anticipated to continue through the month of October, 2021.

The continued threat to persons, District property, and provision of District services necessitates continuation of the emergency contract, and the urgency in repairing the area to remedy the emergency conditions still does not allow time for traditional competitive bidding.

### **General Counsel's Comments:**

The Office of the General Counsel has reviewed and approved this agenda and resolution, as presented, as to form and legality.

### **Environmental Review:**

The proposed Board actions, including without limitation, a vote ratifying emergency action and authorizing emergency repairs to a fire line and related damages at the District General Services Administration Building, is Statutorily Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15269 (Emergency Projects) and Section 2.f of the District's Guidelines for Compliance with CEQA because the project in question involves emergency repairs to a fire line and related damages at the District General Services Administration Building to maintain service, alleviate a potential hazard to public safety, and prevent further destruction of public property. No further action under CEQA is required.

The proposed Board actions comply with Sections 21, 35, 81, and 87 of the Port Act, which allow the Board to pass resolutions, to do all acts necessary and convenient for the exercise of its powers, to use funds for expenses of conducting District, and which authorizes the use of tidelands for the construction, reconstruction, repair, maintenance, and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board actions are consistent with the Public Trust Doctrine.

In accordance with the District's Coastal Development Permit (CDP) Regulations (Regulations), the proposed actions constitute Emergency Development under 7.d.(2) of the regulations. The District issued an Emergency Permit (2021-107) for the Project on September 2, 2021. No Further Action under the Coastal Act is required.

### **Diversity, Equity, and Inclusion Program:**

No direct DEI impact.

**PREPARED BY:**

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Attachment(s):

Attachment A: Resolution 2000-03

Attachment B: Photographs

Attachment C: Construction contract No. 2021-14