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

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Attachments: 1. 9. 2021-0322 Attachment A, 2. 9. 2021-0322 Attachment B, 3. 9. 2021-0322 Attachment C, 4. 9. 2021-0322 Draft Resolution, 5. 2021-0322 Board Memo and Contract - Agenda Related Materials 09-13-21

Date	Ver.	Action By	Action	Result
9/14/2021	1	Board of Port Commissioners	adopted	

DATE: September 14, 2021

SUBJECT:

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

EXECUTIVE SUMMARY:

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 leak was determined to be from a 6-inch fire service water line and was quickly shut off. A sink hole 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 A). It is not known how long the leak ran before being shut off. The current condition threatens the structural integrity of the pavement and potentially undermines the south building column and footing at the north maintenance bay (see Attachment B for photos). Because the sinkhole is in an area of the parking lot that is highly utilized 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 scope of work necessary to excavate, investigate, and repair the damage is currently projected to exceed the capacity of General Services and staff's direct negotiating limits of \$60,000 pursuant to California Public Contracting Code. Therefore, the Executive Director authorized the use of emergency action as necessary to

execute the exigent repair work.

Pursuant to Public Contracting Code Section 22035 and 22050, Section 58 of the Port Act, and Board Resolution 2000-03, the Executive Director authorized staff to pursue emergency contracting on Tuesday, August 31, 2021. Staff expect to enter into an emergency contract with a contractor prior to the September Board meeting to move forward with immediate repair of the fire line, sink hole, and damaged pavement.

The authorization of emergency contracting waives the necessity of formal bidding procedures as required by the State of California Public Contract Code. The Board is requested to review emergency contracts entered into under these procedures not later than 7 days after from execution of such a contract or at its next regularly scheduled meeting if that meeting will occur not later than 14 days from execution of such a contract. Pursuant to Board Resolution 2000-03 (Attachment C), emergency actions reviewed by the Board require a 4/5 affirmative vote to continue action.

RECOMMENDATION:

Adopt a Resolution by a 4/5 vote ratifying the emergency action approved by the Executive Director and authorizing continued action for Repair of 6-Inch Fire Line and Related Damages at the 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.

COMPASS STRATEGIC GOALS:

This agenda item supports the following Strategic Goal.

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

DISCUSSION:

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 leak was determined to be from a 6-inch fire service water line and was quickly shut off. A sink hole 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 one foot away from the building's northern edge (Attachment A). It is not known how long the leak ran before being shut off. A depression formed in the pavement adjacent to the sink hole and the existing asphalt pavement heaved approximately 4"- 6" at the entrance to the north maintenance bay. The base of the sink hole collapsed exposing a void under the pavement that goes up to the building foundation wall, then slopes to the bottom of the pipe at the break location. The current condition threatens the health and safety of employees and others, the structural integrity of the pavement and potentially undermines the south building column and footing at the north maintenance bay and would negatively affect firefighting capabilities if there were to be fire. General Services has secured the area by placing fencing around the affected area and a 24-hour fire watch is ongoing until the

water line is repaired and operational.

Staff evaluated the conventional procurement methods to repair the damage and restore the site and determined such would take too much time to effectuate a repair to remedy the emergency situation. The scope of work necessary to excavate, investigate, and repair the damage is currently projected to exceed our General Services' capacities, and staff's direct negotiating limits of \$60,000 pursuant to California Public Contracting Code. Therefore, the use of emergency contracting procedures was necessary to execute the exigent repair work.

Pursuant to Public Contracting Code Section 22035 and 22050, Section 58 of the Port Act, and Board Resolution 2000-03, the Executive Director authorized staff to pursue emergency contracting on Tuesday, August 31, 2021.

Staff expect to contract with a contractor prior to the September Board meeting, to perform immediate repair of the fire line, sink hole, and damaged pavement. Construction will begin as soon possible and is anticipated to be completed in October 2021.

The authorization of emergency contracting waives the necessity of formal bidding procedures as required by the State of California Public Contract Code. The Board is requested to review emergency contracts entered into under these procedures not later than 7 days after from execution of such a contract or at its next regularly scheduled meeting if that meeting will occur not later than 14 days from execution of such a contract. Pursuant to Board Resolution 2000-03, emergency actions reviewed by the Board require a 4/5 affirmative vote to continue action.

General Counsel's Comments:

The Office of the General Counsel has reviewed and approve this agenda, the emergency contract, and the proposed 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:

Due to the authorization of emergency contracting, no SBE goal established for this emergency work.

PREPARED BY:

Devon Beach, P.E.
Senior Engineer, Engineering-Construction

Attachment(s):
Attachment A: Project Location and Section View
Attachment B: Photographs
Attachment C: Resolution 2000-03