

RESOLUTION NO. 23-145

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING AN EMERGENCY AGREEMENT WITH GARLAND DBS INC. IN THE AMOUNT OF \$399,864 FOR THE CAPITAL IMPROVEMENT PROJECT TO REPLACE THE AGRICULTURE & FARM ADVISOR BUILDING ROOF AT 890 NORTH BUSH STREET IN UKIAH, CA FOR THE PERIOD OF ONE HUNDRED FIFTY DAYS FROM THE EFFECTIVE DATE OF THE CONTRACT AND AUTHORIZING THE PURCHASING AGENT OR DESIGNEE TO SIGN AND EXECUTE THE AGREEMENT, AND ANY CHANGE ORDERS AND OTHER DOCUMENTS RELATED TO THE AGREEMENT

WHEREAS, according to Public Contract Code Section 22050(a)(1) in the case of an emergency, the Board of Supervisors, pursuant to a four-fifths vote, may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for these purposes, without giving notice for bids to let contracts; and

WHEREAS, Public Contract Code Section 1102 defines an emergency as “a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services”; and

WHEREAS, before the Board of Supervisors takes any such action it shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids and that the action is necessary to respond to the emergency; and

WHEREAS, on March 14, 2023, the Board of Supervisors approved creation of the Capital Improvement Project and funding for the Agriculture & Farm Advisor Roof Replacement Project in the amount of \$300,000 from the Certificate of Participation bond funding; and

WHEREAS, acquiring independent engineering services and subsequently completing a formal bidding process typically takes six or more months, which, given the deteriorating state of the Agriculture & Farm Advisor roof, would expose the County to a greater likelihood of additional subsurface and interior damage due to water intrusion as a result of the project being delayed into the winter months; and

WHEREAS, the General Services Agency, Facilities and Fleet Division has procured a roof replacement project proposal from Garland DBS Inc.; and

WHEREAS, the General Services Agency, Facilities and Fleet Division recommends the County award this contract on an emergency basis in order to expedite the replacement of the Agriculture & Farm Advisor roof as soon as possible to mitigate any further damages.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors hereby:

1. Finds that, based on this resolution and the staff memoranda accompanying it, the deteriorated roof structure and the impending inclement weather constitute an emergency that requires immediate action to mitigate additional damages of County property and that this emergency will not permit a delay resulting from competitive solicitation for bids and immediate action is necessary to respond to the emergency.
2. Approves the agreement with Garland DBS, Inc. in the amount of \$399,864.00 for the capital improvement project to replace the roof at the Agriculture & Farm Advisor Building, 890 North Bush Street in Ukiah, CA for the period of One Hundred Fifty Days from the effective date of the contract.
3. Authorizes the Purchasing Agent or designee to sign and execute the agreement, change orders and other documents related to the agreement;

The foregoing Resolution introduced by Supervisor Mulheren, seconded by Supervisor Williams and carried this 29th day of August, 2023, by the following vote:

AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde, and Williams
NOES: None
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: DARCIE ANTLE
Clerk of the Board



Deputy

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
County Counsel





GLENN MCGOURTY, Chair
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

BY: DARCIE ANTLE
Clerk of the Board



Deputy