



Board Agenda Item 52

DATE: July 12, 2022

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: W.M. Lyles Agreement for General Contractor and Emergency Services

RECOMMENDED ACTION(S):

- 1. Make a finding that it is in the best interest of the County to suspend the competitive bidding process, consistent with Administrative Policy 34 for unusual or extraordinary circumstances, as W.M. Lyles, Co. is uniquely qualified and experienced to provide general contractor and emergency services work on water and wastewater systems; and**
- 2. Approve and authorize the Chairman to execute an Agreement with W.M. Lyles Co. for emergency repair services, converted from Purchasing Agreement No. 20-451, effective December 20, 2020, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$750,000.**

Approval of the recommended actions will allow the current Purchasing Agreement No. 20-451, effective December 20, 2020, with W.M. Lyles (Exhibit B), Co. to be converted to a Board Agreement, to provide reliable on-site emergency repairs and general contractor services for Fresno County Special Districts (Special Districts). A suspension of competition is requested because W.M. Lyles, Co. is the only contractor with experience working on Special Districts water and wastewater systems that have reliably responded to emergency requests at Special Districts sites throughout the County. The Department has in the past been able to utilize other contractors for these services, but due to the current construction market W.M. Lyles, CO. has been the only consistent vendor bidding and agreeing to Special District jobs. This item is countywide.

ALTERNATIVE ACTION(S):

There is no viable alternative action. If the recommended actions are not approved, it would be nearly impossible for staff to find another contractor that is available for emergencies 24-hours a day. W.M. Lyles, Co. is experienced in working with emergency health and safety situations within Special Districts such as, emergency water and sewer line repair, concrete repair, step tank excavation and confined space work.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Department's request to suspend the competitive bid process is consistent with Administrative Policy No. 34 as W.M. Lyles possesses specialized knowledge of the water, wastewater, and roads systems that make up Special Districts. WM Lyles has extensive experience with emergency water and wastewater line repairs, and confined space work, in addition to normal operational repairs. W.M. Lyles is also willing to perform these necessary/emergency repairs throughout the County, which is a unique service that most contractors are unwilling to provide.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions for costs charged to Special Districts. The recommended Agreement will have a spending limit of \$450,000 over a three-year term, and if extended for two one-year periods, an additional \$150,000 for each one-year extension, for a total contract value of \$750,000. Sufficient appropriations and estimated revenues are included in various Department of Public Works and Planning - Special Districts FY 2022-23 Adopted Budgets and will be provided in subsequent requested budgets for each Special District. Funds for each district are generated through assessments, service charges, carryover funds and interest income. The Department currently has one pending invoice (\$32,256), that would take the total amount spent over the County standard Purchasing Agreement maximum limit.

DISCUSSION:

The Public Works and Planning, Resources Division, through its Special Districts Section, provides for the operations and maintenance of approximately 22 water systems and 11 wastewater treatment facilities (Exhibit A). The locations of water and wastewater systems range from as far West as El Porvenir located near Interstate 5, to Tamarack located near Huntington Lake at the 7,300-foot elevation in the Sierras, approximately 135 miles apart by road travel. These systems operate 24 hours a day, seven days a week. In the event that emergency repairs are needed, any delay in a response from a contractor can lead to interruptions in services, State violations of water or wastewater permits, and, in some circumstances, fines.

W.M. Lyles, Co. has a history of providing a wide range of services to various water and wastewater systems operated by Special Districts. This experience has given the contractor a unique familiarity with the operations of these systems and their locations. W.M. Lyles, Co. is willing to provide emergency services to Special Districts operated by Fresno County, Department of Public Works and Planning, Resources Division and has been consistently available to provide those repairs in a timely manner.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A
Exhibit B
Suspension of Competition
On file with Clerk - Agreement w/WM Lyles

CAO ANALYST:

Salvador Espino