



Board Agenda Item 41

DATE: September 10, 2019

TO: Board of Supervisors

SUBMITTED BY: Robert W. Bash, Director, Internal Services/Chief Information Officer

SUBJECT: Declaration of Emergency Regarding the Flood Incident at the Fresno County North Annex Jail

RECOMMENDED ACTION(S):

1. **Adopt Resolution acknowledging the emergency nature of the flood incident at the Fresno County North Annex Jail; make a finding pursuant to County Administrative Policy 34 that unusual and extraordinary circumstances exist such that it is in the best interest of the County to suspend competitive bidding for, and ratify, all agreements, contracts, and other documents that the Director of Internal Services/Chief Information Officer (Director/CIO) approved and entered into for services, equipment, and supplies for the remediation and restoration of the North Annex Jail.**
2. **Make a finding pursuant to County Administrative Policy 34 that unusual and extraordinary circumstances exist such that it is in the best interest of the County to suspend competitive bidding for, and authorize the Director/CIO to negotiate, approve, and execute all other agreements, contracts, and other documents necessary for the remediation and restoration of the Fresno County North Annex Jail, upon terms that he deems necessary and in the County's best interest, subject to approval as to legal form by County Counsel, and as to accounting form by the Auditor-Controller/Treasurer-Tax Collector.**
3. **Authorize the Director of Internal Services/Chief Information Officer to negotiate and execute agreements and other documents necessary for the remediation and restoration of the Fresno County North Annex Jail.**
4. **Adopt Budget Resolution increasing the FY 2019-20 appropriations and estimated revenues for the Internal Services Department, Facility Services Org 8935, in the amount of \$1,000,000 (4/5 vote).**

Approval of the recommended actions will authorize the Director of Internal Services/Chief Information Officer (Director/CIO) to timely obtain remediation and restoration of the Fresno County North Annex Jail (North Annex Jail); such authorization also includes ratification of prior undertakings by the Director/CIO for obtaining the remediation and restoration. Such approval will additionally appropriate the estimated funds necessary to pay for the services, equipment, and supplies for such remediation and restoration of the North Annex Jail.

ALTERNATIVE ACTION(S):

There is no viable alternative action.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The first and second recommended actions suspend the customary competitive bidding process consistent with the “unusual or extraordinary circumstances” exception contained in Administrative Policy No. 34. This is consistent with the processes used for previous and similar remediation projects for emergencies, such as the Fresno County Hall of Records, the University Medical Center, and the Brix-Mercer Building. Purchasing has reviewed the request, and concurs with the Department’s request to suspend the competitive bidding process.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The County carries insurance coverage that limits the out-of-pocket deductible to a range of \$5,000 to \$25,000 per claim. The appropriate deductible amount is dependent on the applicable coverage for each claim. The deductible will be paid using insurance proceeds from the Risk Management Fund-Property Insurance Program. Facility Services will be responsible for paying all upfront costs beyond the deductible directly to vendor. Those costs would then be submitted to Risk Management, who would process the reimbursement claim through the County’s insurance carrier. Sufficient appropriations are available in the Interest and Miscellaneous Expenditures Org 2540 FY 2019-20 Adopted Budget to cover any unreimbursed amount. The current estimated cost of the remediation is \$1,000,000. Approval of the fourth recommended action will increase the FY 2019-20 appropriations and estimated revenues in the amount of \$1,000,000 in the Internal Services Department, Facility Services Org 8935 to cover these costs.

Should additional funds be required, staff will return to your Board on a later date.

DISCUSSION:

On August 23, 2019, County staff discovered flooding in the North Annex Jail. The flooding was determined to be in the courtroom area, and spread through the staff dining area, and a corrections officer locker room. To prevent the potential for further damage, a declaration of emergency was made by the Director of Internal Services/Chief Information Officer, in conjunction with the County Administrative Officer. This allowed service contractors to conduct remediation and restoration activities immediately.

This emergency declaration falls outside the parameters of the existing service agreement, as this event may necessarily require engaging multiple service providers to complete the minimum remediation and restoration needed to make the facility safe. Any further agreements and other documents entered into by the Director/CIO shall be subject to approval by County Counsel as to legal form, and as to accounting form by the Auditor-Controller/Treasurer-Tax Collector. In addition, any costs that have been incurred, or are recommended to be incurred by the County in this item, are subject to review and approval by the County’s insurance carrier.

Approval of the recommended actions will allow the North Annex Jail to be restored as quickly and efficiently as possible, and provides Facility Services with sufficient appropriations to make any necessary upfront payments for services.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition Acquisition Request
On file with Clerk - Resolution
On file with Clerk - Budget Resolution Org 8935

CAO ANALYST:

Yussel Zalapa