

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No. _____

- a. Declaring an emergency as defined by California Public Contract Code Section 1102 due to the broken sanitary sewer at the Monterey County Adult Detention Facility kitchen;)
- b. Finding that the emergency will not permit a delay resulting from a formal solicitation of bids and that the action is necessary to respond to the emergency;)
- c. Finding that the repairs are necessary to permit the continued conduct of county operations or services;)
- d. Authorizing emergency sanitary sewer repairs at the Monterey County Adult Detention Facility kitchen, located at 1410 Natividad Road, Salinas CA, without adopting plans and specifications and giving notice for bids to let contracts; and)
- e. Authorizing the Contracts/Purchasing Manager, or his designee, to enter into contracts and issue purchase orders to accomplish the required emergency work and ratifying the execution of emergency contracts and actions taken by the Contracts/Purchasing Manager, or his designee, to respond to the emergency (4/5th vote required).....)

WHEREAS, California 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, Public Contract Code Section 22050 authorizes the County to repair and take other immediate actions required to address an emergency, and requires that findings based on substantial evidence must be made that the emergency will not permit delay resulting from a competitive solicitation of bids, and that the action is necessary to respond to the emergency, by a four-fifths vote of the Board; and

WHEREAS, Public Contract Code Section 20134 further provides that in cases of emergency, repairs that are necessary to permit the continued conduct of county operations or services may proceed at once with the majority consent of the Board of Supervisors without adopting plans and specifications, and without giving notice for bids to let contracts; and

WHEREAS, immediate action has been taken and will continue to repair the broken sanitary sewer to alleviate standing water in the Monterey County Adult Detention Facility kitchen to restore a safe working environment and eliminate potential health and safety concerns; and

WHEREAS, review by the Board of the emergency action is required until the action is terminated to determine that there is a need to continue the action.

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

1. Finds that the foregoing facts are true and correct.
2. Declares that a local emergency as defined by Section 1102 of the California Public Contract Code exists at the Monterey County Adult Detention Facility kitchen due to the broken sanitary sewer.
3. Finds that based on the evidence presented, this emergency does not permit a delay resulting from a formal solicitation for bids, and the action is necessary to respond to the emergency.
4. Finds that emergency repairs are necessary to permit the continued operation of county operations or services.
5. Authorizes emergency sanitary sewer repairs without adopting plans and specifications or giving notice for bids to let contracts.
6. Authorizes to the Contracts/Purchasing Officer, or his designee, to execute additional emergency contracts and issue purchase orders as necessary.
7. Ratifies the emergency contracts and actions taken by the Contract/Purchasing Officer, or his designee, to respond to the emergency.

Upon motion of Supervisor _____, seconded by Supervisor _____, the foregoing resolution is adopted this 31st day of August 2010, by the following vote, to wit:

AYES:

NOES:

ABSENT:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original resolution of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book _____ for the meeting on _____.

Dated:

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
, Deputy