



February 7, 2023

TO: LOCSD Board of Directors

FROM: Ron Munds, General Manager

SUBJECT: Agenda Item 2B - 02/07/2023 Board Meeting

Adopt Resolutions Approving Sole Source Contracts for the Emergency Repair of the Cabrillo Storm Water Detention Basin.

STAFF RECOMMENDATION

Staff recommends the Board adopt the following motion:

Motion: I recommend the Board adopt Resolutions 2023-11 and 2023-12 approving non-competitive contracts with MNS Engineers and Yeh Associates.

DISCUSSION

After the January 9, 2023 Vista de Oro incident, staff gathered a team of consultants and contractor to discuss temporary and permanent emergency repairs to the storm water basin. On January 12, 2023, the Board adopted a resolution delegating authority to the General Manager to enter into public works contracts consistent with California Public Contract Code Section 22050(B). The Board has reaffirmed the delegation through subsequent resolutions on January 17, 24 and February 2, 2023.

To continue the work already in progress and to be consistent with the District Procurement Policy and FEMA requirements for reimbursement, the Board needs to pass resolutions for sole source contracts with MNS Engineers and Yeh and Associates.

FINANCIAL IMPACT

The District has received proposals from MNS Engineers and Yeh and Associates for the design phase of the emergency repair project. Hartzell Construction has provided an estimate for the work based on a general design concept. A more refined estimate will be submitted once the final design is completed. Staff will return to the Board with a contract for Hartzell Construction upon completion of the design. The following table summarizes the costs for the temporary and emergency repair.

Vendor	Task	Cost
Yeh & Associates	Geotechnical Work	\$60,088
MNS Engineers	Civil Engineering	\$71,818
Hartzell Construction	Construction*	\$630,000
	Total	\$821,994

*Estimate

Attachments

Resolutions Nos. 2023-11 and 2023-12

President
Charles L. Cesena

Vice President
Marshall E. Ochylski

Directors
Matthew Fourcroy
Troy C. Gatchell
Christine M. Womack

General Manager
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District Accountant
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RESOLUTION NO. 2023-11

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LOS OSOS COMMUNITY SERVICES DISTRICT (DISTRICT) APPROVING A NON-COMPETITIVE CONTRACT WITH YEH AND ASSOCIATES (CONSULTANT) FOR GEOTECHNICAL SERVICES RELATED TO THE EMERGENCY REPAIR OF THE CABRILLO ESTATES STORM WATER DETENTION BASIN

WHEREAS, California Public Contract Code Section 22050(a) provides that in the case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body, 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 those purposes, without giving notice for bids to let contracts; and

WHEREAS, on January 12, 2023, the Board adopted Resolution 2023-03 declaring an emergency and delegating authority to the General Manager pursuant to Public Contract Code Section 22050(b); and

WHEREAS, pursuant to the Districts Procurement Policy, Section 4.6 (b) for non-competitive negotiations for professional services the consultant satisfies the three criteria to be considered for a non-competitive contract; and

WHEREAS, pursuant to FEMA definition and guidelines, an exigency situation exists due to the need to avoid, prevent, or alleviate serious harm or injury, financial or otherwise, to the recipient or subrecipient, and use of competitive procurement proposals would prevent the urgent action required to address the situation; and

WHEREAS, the circumstances to justify a non-competitive procurement as listed in C.F.R. § 200.320(c) of the FEMA guidelines for non-competitive procurement will not permit a delay resulting competitive solicitation as listed in 2 C.F.R. § 200.320(c); and

WHEREAS, consultant is qualified to provide the geotechnical services required to perform the needed analysis to complete the emergency repair; and

WHEREAS, the not to exceed contract amount of \$60,088 is considered reasonable when compared to cost estimates for similar services related to other District projects.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE LOS OSOS COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

1. Based on the declared emergency conditions, the District's Procurement Policy, FEMA guidelines for non-competitive contracting, the consultant's experience working on the emergency repair project to date, and their competitive cost proposal, approval of a non-competitive contract is appropriate.

On the motion of Director _____, seconded by Director _____
and on the following roll call vote, to wit:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

The foregoing resolution is hereby passed, approved and adopted by the Board of Directors of
the Los Osos Community Services District this 7th day of February, 2023.

Charles L. Cesena, President
Los Osos Community Services District

ATTEST:

APPROVED AS TO FORM:

Ron Munds
General Manager and Secretary to the Board

Thomas D. Green
District Legal Counsel

RESOLUTION NO. 2023-12

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LOS OSOS COMMUNITY SERVICES DISTRICT (DISTRICT) APPROVING A NON-COMPETITIVE CONTRACT WITH MNS ENGINEERS (CONSULTANT) FOR CIVIL ENGINEERING SERVICES RELATED TO THE EMERGENCY REPAIR OF THE CABRILLO ESTATES STORM WATER DETENTION BASIN

WHEREAS, California Public Contract Code Section 22050(a) provides that in the case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body, 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 those purposes, without giving notice for bids to let contracts; and

WHEREAS, on January 12, 2023, the Board adopted Resolution 2023-03 declaring an emergency and delegating authority to the General Manager pursuant to Public Contract Code Section 22050(b); and

WHEREAS, pursuant to the Districts Procurement Policy, Section 4.6 (b) for non-competitive negotiations for professional services the consultant satisfies the three criteria to be considered for a non-competitive contract; and

WHEREAS, pursuant to FEMA definition and guidelines, an exigency situation exists due to the need to avoid, prevent, or alleviate serious harm or injury, financial or otherwise, to the recipient or subrecipient, and use of competitive procurement proposals would prevent the urgent action required to address the situation; and

WHEREAS, the circumstances to justify a non-competitive procurement as listed in C.F.R. § 200.320(c) of the FEMA guidelines for non-competitive procurement will not permit a delay resulting competitive solicitation as listed in 2 C.F.R. § 200.320(c); and

WHEREAS, consultant is qualified to provide the civil engineering services required to perform the needed design to complete the emergency repair; and

WHEREAS, the not to exceed contract amount of \$71,818 is considered reasonable when compared to cost estimates for similar services related to other District projects.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE LOS OSOS COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

1. Based on the declared emergency conditions, the District's Procurement Policy, FEMA guidelines for non-competitive contracting, the consultant's experience working on the emergency repair project to date, and their competitive cost proposal, approval of a non-competitive contract is appropriate.

On the motion of Director _____, seconded by Director _____
and on the following roll call vote, to wit:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

The foregoing resolution is hereby passed, approved and adopted by the Board of Directors of
the Los Osos Community Services District this 7th day of February, 2023.

Charles L. Cesena, President
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