

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified Copy of Portion of Proceedings, Meeting of June 11, 2019

RESOLUTION NO. _____

RESOLUTION PROCLAIMING THE EXISTENCE OF A FACILITIES EMERGENCY

WHEREAS, pursuant to California Public Contract Code Section 22035, in cases of emergency, the governing body of a public agency may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets or working details, or giving notice for bids to let contracts, and such work may be done by day labor under the direction of the governing body, by contractor or by a combination thereof; and

WHEREAS, pursuant to California Public Contract Code Section 22050(a)(1), in cases of 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, pursuant to California Public Contract Code Section 22050(a)(2), the governing body of a public agency must 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, before it can take any action under California Public Contract Code Section 22050(a)(1); and

WHEREAS, the County of Humboldt has a responsibility to the Judicial Council of California Administrative Office of the Courts to maintain a properly functioning courthouse, as stated in the Joint Occupancy Agreement; and

WHEREAS, since September 2018, the Humboldt County Courthouse rollup gates have been repaired several times by both Humboldt County Department of Public Works – Facilities Maintenance (“Public Works”) staff and independent contractors; and

WHEREAS, when the gates fail, this creates an immediate and significant public safety and security risk at the entrance to the basement of the Humboldt County Courthouse; and

WHEREAS, the entrance-side gate has failed twice within the last thirty (30) days; and

WHEREAS, Public Works’ staff and several independent contractors agree that both gates are at the end of their useful life; and

WHEREAS, based on the current condition and failure rate of both gates, Public Works’ staff has determined that full replacement thereof is necessary to mitigate the risks associated with gate failure.

NOW, THEREFORE, THE HUMBOLDT COUNTY BOARD OF SUPERVISORS HEREBY RESOLVES AS FOLLOWS:

1. The current condition of the Humboldt County Courthouse rollup gates constitutes a facilities emergency, which will not permit the significant delay that will result from the competitive solicitation of bids, due to the physical injury, property damage and delay in emergency response time, that may occur if such gates were to fail.

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