

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # *B-4

Urgent

Routine

AGENDA DATE January 26, 2010

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to Accept Update on Emergency Contract to Repair the 12th Street Office Building in Accordance with Public Contract Code Section 22050

STAFF RECOMMENDATIONS:

Accept the update on the status on the emergency repair to the 12th Street Office Building in Accordance with Public Contract Code Section 22050.

FISCAL IMPACT:

On November 3, 2009, the 12th Street Office Building suffered damage to the interior and exterior sections as a result of a vehicle driving into the building. On November 10, 2009, the Board authorized emergency repairs to be completed at the 12th Street Office Building.

The original preliminary estimate to repair the damage was \$100,000; however, the actual costs are now estimated to be approximately \$52,000. The public area of the building that requires repairs is temporarily being funded through the Chief Executive Office Plant Acquisition budget and will be

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BOARD ACTION AS FOLLOWS:

No. 2010-045

On motion of Supervisor O'Brien, Seconded by Supervisor DeMartini
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Grover

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

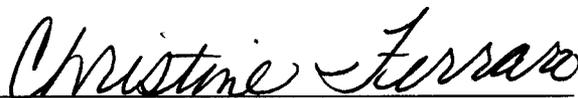
1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

FISCAL IMPACT (Continued):

reimbursed by offsetting revenue once the claim is settled. As previously reported, there is insurance coverage for the building, with a \$10,000 deductible for which all members of the 12th Street Condominium Association are responsible to pay their fair share. The responsible party who drove into the building is insured, but has a limit of \$10,000. Once the construction contractor submits a final invoice for the repairs to the building, the Chief Executive Office Risk Management Division submit the final bill to the County's Carrier for reimbursement. The County's insurance carrier has agreed to pay the cost of the repairs less the deductible and will work with the Chief Executive Office - Risk Management Division to settle the claim with the responsible party. Additionally, the County's insurance carrier will complete a thorough investigation and complete an asset check before accepting policy limits and releasing the responsible party from liability.

On November 10, 2009, the Board authorized the Chief Executive Officer to contract with ACME Construction, Inc. of Modesto, California. ACME Construction, Inc. of Modesto, California was the original construction contractor of the 12th Street Office Building as well as the bank inside the first floor of the building. Since that time, ACME Construction Inc. of Modesto, California has completed the necessary repairs and will be submitting a final invoice to the County within 30 days.

Public Contract Code Section 20134 provides that a contractor who provides equipment and materials on an emergency basis shall be paid the actual cost of the use of machinery and tools and of material, and labor and of workers' compensation insurance expended by him or her in doing the work, plus not more than 15 percent to cover all profits and administration.

As required by the Public Contract Code staff will return to the Board and report on the status of the emergency project every 14 days. Staff will return to the Board to provide an update at the next regularly scheduled meeting on February 9, 2010.

DISCUSSION:

The 12th Street Office Building is owned jointly by Stanislaus County, Stanislaus County Employees Retirement Association (StanCERA), and a private developer, Westland Development Corporation. The facility was completed and opened in 2006.

On November 3, 2009, the building suffered damage to the exterior of the building, as well as to the interior tenant improvements in leased space as a result of a vehicle driving into the building. The leased space that suffered damage to interior tenant improvements is occupied by Oak Valley Bank.

A structural engineer conducted an assessment of the damage to the building. The initial findings of the engineer indicated there was no structural damage, but the engineer's report documented concern related to the damage incurred to the brick façade.

While the building is structurally sound, the brick façade posed a public safety risk and was removed. In addition, the roof drain has been temporarily repaired before the next rain storm to prevent water damage in the space.

Portions of the exterior façade of the building along 12th Street near I Street including the brick veneer wall, store front window system and the granite bay were destroyed and must be replaced. The light gage steel stud wall framing for the exterior column façade and the interior column furring located in the conference has been dislodged at the base and the overflow drain drop is no longer connected to the piping which drains to the sidewalk. Some utilities were also damaged, such as roof drains and possibility some electrical circuits.

On November 10, 2009, the Board authorized the Chief Executive Office to contract with ACME Construction, Inc. of Modesto, California. Acme Construction of Modesto, California constructed the 12th Street Office building as well the bank inside the first floor of the building. Since the last report to the Board of Supervisors, the final repairs have been completed with the preparation of the area and installation of the granite base. ACME Construction Inc. of Modesto, California has now completed the necessary repairs and they will be submitting a final invoice to the County within 30 days.

Staff has met on site with the Insurance Representative to review the damage and the insurance coverage. A cost reporting system has been established for reporting to the insurance company.

Public Contract Code Section 20134 and 22050 authorize the County to repair or replace facilities without adopting plans and specifications and without the necessity of going through the competitive bid process. Typically, it would take over 60-90 days to obtain design documents, and an additional 60 days to competitively bid and award a contract for this type of work.

POLICY ISSUES:

Approval of this action will address this unexpected situation and promote efficiency in the administration of the County's operations. Additionally, this action supports the Board's priorities of *A safe community, A healthy community, Effective partnerships, and Efficient delivery of public services.*

STAFFING IMPACT:

Existing Chief Executive Office - Capital Projects staff will manage this effort and coordinate with the Tenants of the 12th Street Office Building in the procurement of services and to permit the conduct of essential County operations and services.