



City of Arts & Innovation

City Council Memorandum

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TO: HONORABLE MAYOR AND CITY COUNCIL DATE: DECEMBER 13, 2022

FROM: PUBLIC WORKS DEPARTMENT WARD: 6

SUBJECT: RESOLUTION DECLARING EMERGENCY SEWER MAIN REPAIRS ON MULL AVENUE AN URGENT NECESSITY FOR PRESERVATION OF LIFE, HEALTH, OR PROPERTY AND WAIVING FORMAL COMPETITIVE PROCUREMENT REQUIREMENTS OF CITY CHARTER SECTION 1109, AND AUTHORIZING THE EXPENDITURE IN THE AMOUNT OF \$90,395 TO C.P. CONSTRUCTION COMPANY, INC. FOR THE EMERGENCY REPAIRS – FIVE AFFIRMATIVE VOTES REQUIRED

ISSUE:

Consider adoption of a Resolution declaring the emergency sewer main repairs on Mull Avenue an urgent necessity for the preservation of life, health, or property and waiving the formal competitive procurement requirements of City Charter Section 1109, and authorizing the expenditure in the amount of \$90,395 to C.P. Construction Company, Inc., for the emergency repairs.

RECOMMENDATION:

That the City Council with at least five affirmative votes, adopt the attached Resolution declaring the emergency sewer main repairs on Mull Avenue an urgent necessity for the preservation of life, health, or property and waiving the formal competitive procurement requirements of City Charter Section 1109, and authorizing the expenditure in the amount of \$90,395 to C.P. Construction, Inc., for the emergency repairs.

BACKGROUND:

On October 11, 2022, during routine inspection and maintenance of the sewer main on Mull Avenue, staff discovered that the sewer pipe was broken and a few segments of the vitrified concrete pipe (VCP) had collapsed at two different locations: 10373 Mull Avenue and Tyler Street/Mull Avenue intersection.

DISCUSSION:

To prevent further damages and the potential development of sink holes due to the collapsing pipes, staff contacted C.P. Construction Company, Inc. (C.P. Construction) to rectify the issue.

C.P. Construction is a qualified contractor with a fully executed Master Agreement on file, approved by the City Council on April 5, 2022, for the on-call Contractor's Panel to provide construction, maintenance, repair and rehabilitation services at the Riverside Water Quality Control Plant, for City-wide sewer collection system, Tequesquite Landfill, and City-wide storm drain system established under RFQ 2117. C.P. Construction mobilized their crew and equipment and fixed the broken pipe segments in a timely manner.

Purchasing Resolution 23914 Section 802(a) states that: "For procurements subject to section 1109 of the City Charter, only the exceptions listed in section 1109 shall apply. Except as otherwise required by the City Charter, Competitive Procurement through the Informal Procurement and Formal Procurement process shall not be required in any of the following circumstances: ...(a) When an emergency arises and Emergency Procurement is undertaken pursuant to Article Three hereof". Section 302(d) states that "Emergency Procurement may be initiated by the head of a Using Agency or his or her duly authorized representative (the "individual") only as follows: ...(d) For urgent purchases as defined by Article XI, Section 1109 relating to Public Works Contracts over \$50,000; urgent items procured while not following Competitive Procurement, in order to preserve life, health or property, shall be authorized by resolution passed by at least five affirmative votes of the City Council and the resolution must contain a declaration of the facts constituting such urgency".

The Purchasing Manager concurs that the recommendation to authorize the repairs is in compliance with Purchasing Resolution 23914.

STRATEGIC PLAN ALIGNMENT:

This Project aligns to **Strategic Priority 6 – Infrastructure, Mobility and Connectivity** and **Goal 6.2 – Maintain, protect, and improve assets and infrastructure within the City's built environment to ensure and enhance reliability, resiliency, sustainability, and facilitate connectivity.**

1. **Community Trust** – The emergency repairs prevented further damages to the existing infrastructures such as roadway, curb, gutter, sidewalk, and other buried utilities, thus eliminated interrupted services to the community.
2. **Equity** – The repairs were completed in a timely manner and continued, uninterrupted services to the neighborhoods upstream of the Mull Avenue sewer main.
3. **Fiscal Responsibility** – The City was fiscally responsible by selecting a qualified contractor from the on-call Contractors' Panel who had satisfactorily completed similar repairs in the past.
4. **Innovation** – The contractor used on-line scheduling and resources assignments to keep staff abreast of the construction progress and anticipated completion time.
5. **Sustainability & Resiliency** – The repairs used VCP rubber and steel band seals to connect the newly replaced pipe segments to the existing pipes, which is the most reliable method of VCP repair in the industry.

FISCAL IMPACT:

The total fiscal impact of this action is \$99,434.50, which includes the construction contract, construction engineering, inspection, and contingencies. Sufficient funds are budgeted and available in the Sewer Fund, Sewer Projects, PR14 & 15 Prior Pipe/MH PACP 5 & 4 project account 9911523-440301.

Prepared by: Gilbert Hernandez, Public Works Director
Certified as to
availability of funds: Edward Enriquez, Interim Assistant City Manager/Chief Financial Officer/City Treasurer
Approved by: Kris Martinez, Assistant City Manager
Approved as to form: Phaedra A. Norton, City Attorney

Attachment: Resolution