City of Arts & Innovation

City Council Memorandum

TO: **HONORABLE MAYOR AND CITY COUNCIL** **DATE: MAY 2, 2023**

FROM: **PUBLIC WORKS DEPARTMENT** **WARD: 3**

SUBJECT: **RESOLUTION DECLARING EMERGENCY NATURAL GAS LINE REPAIR AT THE RIVERSIDE WATER QUALITY CONTROL PLANT 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 $62,732.51 TO A. M. ORTEGA CONSTRUCTION, INC., OF LAKESIDE, CALIFORNIA FOR THE EMERGENCY REPAIRS, FOR A TOTAL CONTRACT AMOUNT OF $112,682.51 – FIVE AFFIRMATIVE VOTES REQUIRED**

ISSUE:

Consider adoption of a Resolution declaring the emergency natural gas line repairs at the Riverside Water Quality Plant an urgent necessity for the preservation of life, health, or property and waiving the formal competitive procurement requirements of the City Charter Section 1109 and authorizing the expenditure in the amount of $62,732.51 to A.M. Ortega Construction, Inc., of Lakeside, California, for the emergency repairs, for a total contract amount of $112,682.51.

RECOMMENDATIONS:

That the City Council:

1. With at least five affirmative votes, adopt the Resolution declaring the emergency natural gas line repairs at the Riverside Water Quality Control Plant an urgent necessity for the preservation of life, health, or property and waiving the formal competitive procurement requirements of the City Charter Section 1109 and authorizing the expenditure in the amount of $62,732.51 to A.M. Ortega Construction, Inc., of Lakeside, California, for the emergency repairs, for a total contract amount of $112,682.51; and

2. Authorize the City Manager, or designee, to approve and execute a construction contract with A. M. Ortega Construction, Inc., including making minor and non-substantive changes.

BACKGROUND:

The Public Works Department, Wastewater Division, is responsible for the collection, conveyance, and treatment of wastewater generated within the City of Riverside and the communities Service

Districts of Edgemont, Jurupa, Rubidoux, and the unincorporated community of Highgrove. Sewage treatment is performed at the Riverside Water Quality Control Plant (WQCP), which provides primary, secondary, and tertiary treatment which has a hydraulic rating capacity of 46 million gallons per day. Discharge of treated effluent from RWQCP is mandated by the City's National Pollutant Discharge Elimination System permits as authorized by the Clean Water Act, issued by the California Regional Water Quality Control Board, Santa Ana Region, and Title 22 (The State of California Water Recycling Criteria) for disinfected tertiary recycled water.

DISCUSSION:

In early February 2022, the WQCP experienced a natural gas leak by the Collections Maintenance Building. Due to the nature of urgency as it pertains to the employees' health and safety, Southern California Gas Company (SoCalGas) was called to assess the situation.

On February 9, 2022, SoCalGas came onsite and found the source of the gas leak. It was determined the natural gas was leaking into an underground electrical raceway in the control room of the Collections Maintenance Building. After measuring the concentration of the gas and its surrounding locations, SoCalGas issued a "hazardous condition" notice to the WQCP. The WQCP was given 48 hours to correct the source of the gas leak, and if no progress had been made within 48 hours, SoCalGas would have shut off the gas at the main meter. The WQCP has a South Coast Air Quality Management District (SCAQMD) requirement for the operation of two flares (burn-off of methane) that use the natural gas from the gas line in question and cannot be shut off without affecting operations. Shutting off the flare operations would trigger a violation and the WQCP would be subject to fines by the SCAQMD. This gas line also supplies gas to the collections/maintenance building boilers, which provides hot water to the building and to the field workers' shower facilities.

Two companies were called for the emergency gas line repair, and the work was approved and authorized by the Purchasing Manager to proceed with the emergency work in the initial amount of $49,950 to A.M. Ortega Construction, Inc. of Lakeside, California.

The emergency work was scheduled to be completed in four working days. During the second day of the work, the Contractor isolated the gas line to the Collections/Maintenance and Maintenance Shop Buildings to allow the flare to operate unhindered. Pressure tests were performed, and the results indicated the gas line failed the pressure tests at multiple locations. The Contractor determined that approximately 130 linear feet of gas line needed to be replaced. A. M. Ortega's subcontractor was called in the next day to use ground penetrating radar to determine the underground utilities that are in the conflict with the new gas line route. The repair work continued for another week and the additional work involved extra labor and materials. This extra work increased the original Purchase Order No. 224758 amount of $49,950 to an additional cost of $62,732.51, for a total amount of $112,682.51. All construction has been completed.

Purchasing Resolution 23914 Section 802(a) states that: "For procurements subject to section 1109 of the City Charter, only the exemptions 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 states that "Emergency Procurement may be initiated by 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 approve is in compliance with Purchasing Resolution 23914.

STRATEGIC PLAN ALIGNMENT:

This project aligns with **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.

Furthermore, this project aligns with each of the five Cross-Cutting Threads as follows:

1. **Community Trust** – The emergency repairs prevented further damage to the existing natural gas line and eliminated uninterrupted service to the WQCP.

2. **Equity** – Repairs were completed in a timely manner and continued uninterrupted service to the WQCP flare as permitted by SCAQMD.

3. **Fiscal Responsibility** – The City was fiscally responsible by selecting a qualified contractor who specializes in repairing and construction of underground utilities, specifically natural gas lines.

4. **Innovation** – A. M. Ortega Construction, Inc., used the latest underground penetrating radar technology to trace the old natural gas pipeline.

5. **Sustainability & Resiliency** – The new construction used the same PVC natural gas line that is approved by SoCalGas that meets today's material requirements and into the future.

FISCAL IMPACT:

The total fiscal impact of this action is $62,732.51. Funds are budgeted and available in the Sewer Fund, PW-Sewer System-Plant Maintenance, Maintenance & Repair Account No. 4125400-424130.

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

Attachments:
1. Resolution
2. Agreement for Construction (Emergency Natural Gas Line Repair for WQCP)