



March 8, 2023

**TO:** LOCSD Board of Directors

**FROM:** Ron Munds, General Manager

**SUBJECT: Agenda Item 2B - 03/08/2023 Special 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 2023-19 and 2023-20 approving non-competitive contracts with Ecological Assets Management and Geo Solutions Inc.***

**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 every week since.

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 Ecological Assets Management for required biological work and Geo Solutions for compaction testing during repairs.

**FINANCIAL IMPACT**

The District has received proposals from Ecological Assets Management and Geo Solutions for the required biological and compaction testing work during the emergency repairs. The following table summarizes the costs for the proposed work.

Vendor	Task	Cost
Ecological Assets Mgt.	Biological Assessment	\$28,750
Geo Solutions	Soil Compaction Testing	\$7,245
	<b>Total</b>	<b>\$35,995</b>

**President**  
Charles L. Cesena

**Vice President**  
Marshall E. Ochylski

**Directors**  
Matthew Fourcroy  
Troy C. Gatchell  
Christine M. Womack

**General Manager**  
Ron Munds

**District Accountant**  
Robert Stilts, CPA

**Unit Chief**  
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**Attachments**

Resolutions Nos. 2023-19 and 2023-20

**RESOLUTION NO. 2023-19**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LOS OSOS COMMUNITY SERVICES DISTRICT (DISTRICT) APPROVING A NON-COMPETITIVE CONTRACT WITH ECOLOGICAL ASSETS MANAGEMENT (CONSULTANT) FOR REQUIRED BIOLOGICAL MONITORING AND MITIGATION 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 biological monitoring and mitigation services required to perform the needed analysis to complete the emergency repair; and

**WHEREAS**, the not to exceed contract amount of \$28,750 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 8th day of March, 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. 2023-20**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LOS OSOS COMMUNITY SERVICES DISTRICT (DISTRICT) APPROVING A NON-COMPETITIVE CONTRACT WITH GEO SOLUTIONS INC. (CONSULTANT) FOR REQUIRED SOIL COMPACTION TESTING 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 soil compaction testing services required to perform the needed analysis to complete the emergency repair; and

**WHEREAS**, the not to exceed contract amount of \$7,345 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  
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