



Legislation Text

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Resolution determining the existence of an emergency and the need to make emergency repairs in response to the February 2023 flooding event at the Roberta Cerri Teglia Center, and authorizing the City Manager to enter into an agreement with ServePro of South San Francisco for emergency facility restoration work in an amount not to exceed \$83,708.17.

WHEREAS, at approximately 6:45 p.m. on February 9, 2023, a toilet valve broke on the third floor, which resulted in significant flooding of the Roberta Cerri Teglia Center; and

WHEREAS, when the valve catastrophically failed, a pressurized potable water line sent thousands of gallons of fresh water into all three floors of the center; and

WHEREAS, once the water was shut off, Building Maintenance Division and Fire Department staff worked to remove standing water from the building; and

WHEREAS, despite their quick and arduous efforts, water damage was incurred, including damage to ceiling tiles, the fire alarm system, carpeting, and hardwood and tile floors; and

WHEREAS, to remediate such dangerous conditions, and understanding the urgent need to remove water as quickly as possible and the specialized equipment required to prevent further damage to the facility and development of mold, a local restoration vendor, ServPro of South San Francisco, was immediately called; and

WHEREAS, at the time of authorizing restoration work, the site was in a fragile and hazardous condition; and

WHEREAS, without taking emergency actions, the additional time that it takes to create bid documents, solicit public bids, and locate a responsive contractor willing to undertake the project would prolong the dangerous and hazardous condition created by the flood and the rapid and permanent deterioration of the Teglia Center; and

WHEREAS, due to the emergent nature of the work, restoration was performed on a time and materials basis totaling \$83,708.17; and

WHEREAS, on September 12, 2018, the City Council adopted a resolution delegating authority to the City Manager to order any emergency action and enter into necessary contracts pursuant to the provisions and restrictions of California Public Contract Code Section 22050.

NOW THEREFORE, the City Council of the City of South San Francisco hereby finds as follows:

A. The above recitals are true and correct and incorporated herein by this reference.

B. Pursuant to California Public Contract Code Section 20168, public interest and necessity demand the immediate commencement of the above-described work at the Roberta Cerri Teglia Center and the

expenditure of public money for such work to safeguard health and property.

C. Pursuant to California Public Contract Code Section 22050 and the authority delegated by the City Council on September 12, 2018, and based on substantial evidence presented by the circumstances of the flooding event and City staff's assessments, including but not limited to those from the City's public safety and Parks and Recreation departments, the staff report prepared concerning this resolution, and as set forth in this resolution, the City Manager would be authorized to order emergency facility restoration work.

D. The above-described emergency conditions and work would not permit additional delay resulting from competitive solicitation for bids due to the dangerous conditions and threat of permanent damage to property.

E. Letting the work to competitive bidding would have jeopardized public health, safety and welfare; risk additional damage to public property; and result in the public incurring additional expense, including, but not limited to, additional expense due to delay and further damage. Therefore, competitive bidding of such work would not produce an advantage for the public.

NOW, THEREFORE, the City Council of the City of South San Francisco hereby does resolve, by at least a four-fifths vote, as follows:

1. The above recitals are true and correct and hereby declared to be findings of the City Council of the City of South San Francisco.
2. The emergency conditions at the Roberta Cerri Teglia Center in South San Francisco threatens public health, welfare and safety, and emergency repair work is necessary to address the hazardous and threatening conditions, and risk of permanent damage to the facility. The emergency work described in this resolution is exempt from California Public Contract Code competitive bidding requirements pursuant to California Public Contract Code Sections 20168 and 22050.
3. City staff is hereby authorized and directed to procure contracts for the emergency work described in this resolution and the City Manager is hereby authorized and directed to execute such contracts on behalf of the City, as approved to form by the City Attorney. The City Council hereby approves an agreement with ServePro of South San Francisco, attached hereto and incorporated herein as Exhibit A, for the above-described emergency work in an amount not to exceed \$83,708.17. The City Manager is authorized to execute the agreement in substantially the same form as Exhibit A, subject to approval as to form by the City Attorney. The City Manager is further authorized to take any other related action necessary to further the intent of this Resolution.
4. The City Council finds that the emergency will terminate upon execution of the agreement set forth in Exhibit A for the above-described emergency work. However, should there be a need to continue any emergency work, City staff is directed, in accordance with California Public Contract Code Section 22050(c) (1), to place on future regular agendas of the City Council an item concerning the emergency work authorized pursuant to this resolution so that the City Council may determine, by at least a four-fifths vote, whether there is a need to continue the emergency work described above or whether such work may be terminated.
5. This resolution shall become effective immediately.

6. Each portion of this resolution is severable. Should any portion of this resolution be adjudged to be invalid and unenforceable by a body of competent jurisdiction, then the remaining resolution portions shall be and continue in full force and effect, except as to those resolution portions that have been adjudged invalid. The City Council hereby declares that it would have adopted this resolution and each section, subsection, clause, sentence, phrase, and other portion thereof, irrespective of the fact that one or more section, subsection, clause sentence, phrase or other portion may be held invalid or unconstitutional.

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