

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

DEPT: Chief Executive Office

BOARD AGENDA # B-10

Urgent Routine

AGENDA DATE June 17, 2014

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Accept the First Update in Accordance with Public Contract Code Sections 20134 and 22050 for Emergency Repairs at the Gallo Center for the Arts, Inc. to Repair Water Damage and Restore Essential Operations

STAFF RECOMMENDATIONS:

Accept the first update on the status of the emergency repairs at the Gallo Center for the Arts, Inc. in accordance with Public Contract Code Sections 20134 and 22050 to repair water damage and restore essential County operations.

FISCAL IMPACT:

The Gallo Center for the Arts is owned by Stanislaus County. The Gallo Center for the Arts, Inc. is a nonprofit corporation that is the exclusive Operator of the Center under the Operating Agreement.

On June 9, 2014, Gallo Center for the Arts, Inc. staff arrived at the center at approximately 6:30 a.m. and discovered that major flooding had occurred over the weekend. There has been extensive water damage to the ceilings, walls, and floors, as well as to equipment and furniture caused by the flooding. The immediate response to the flooding was handled efficiently. (Continued to Page 2)

BOARD ACTION AS FOLLOWS:

No. 2014-299

On motion of Supervisor Monteith, Seconded by Supervisor Withrow
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, Monteith, and Chairman De Martini

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
CHRISTINE FERRARO TALLMAN, Clerk

File No.

FISCAL IMPACT:

On June 10, 2014, the Board of Supervisors in accordance with Public Contract Code Sections 20134 and 22050, approved the delegation of authority for the Chief Operations Officer to serve as the Project Manager for all aspects of Gallo Center for the Arts Emergency Repair Project; authorized the Project Manager to negotiate and execute an Agreement with Belfor USA Group, Inc. to complete the emergency abatement, demolition and clean-up of the site completely at the expense of the County's Insurer, an approved contractor of the County's insurer.

The Board of Supervisors also authorized the Project Manager to order any action appropriate to repair the water damage, and to take any directly related and immediate action required by that emergency, and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let a contract.

Since the Emergency was declared by the Board of Supervisors to contract for the emergency repairs of the Gallo Center for the Arts, the Project Manager has retained Belfor USA Group, Inc. of Lodi, California to complete the abatement, demolition and site clean-up and taken many other significant steps toward the remediation and repair. The work underway will provide for a safe, expedient response to the emergency situation created by the April 9, 2014 flooding of the Center funded by insurance proceeds.

All expenses incurred as a result of the flood damage are recoverable by the County's and the Gallo Center's insurance after the \$10,000 deductible is met by the County. Until the County formally settles a claim for the losses incurred, the project costs will be temporarily funded out of the Chief Executive Office - Plant Acquisition budget out of existing appropriations previously approved by the Board.

Staff will return to the Board and report on the status of the emergency project within 14 days, as required by the Public Contract Code until the action is terminated.

DISCUSSION:

The Gallo Center for the Arts is widely recognized as a world class performing arts center. The quality of construction and design of the facility is extraordinary and well regarded by the patrons, the public and the community.

On June 9, 2014 extensive water damage occurred at the Gallo Center for Arts, Inc. Staff is recommending a series of actions to address the damage and to keep the Center operational during construction.

On June 10, 2014, the Board of Supervisor authorized a series of actions to address the damage and to keep the Center operational during demolition and construction.

Approval to Accept the First Update on in Accordance with Public Contract Code Sections 20134 and 22050 for the Emergency Repairs at the Gallo Center for the Arts, Inc. to Repair Water Damage and Restore Essential Operations
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The County is contracting with Belfor USA Group, Inc. to complete Phase I abatement, demolition and clean-up of the site. Phase I activities are anticipated to be completed by June 20, 2014. Once Phase I has been completed and the Project Manager receives a Letter of Clean Bill of Health Certification, the Restoration and Construction Phase II will commence.

Concurrent with the emergency abatement, demolition, and clean-up to be performed by Belfor, the Project Manager has contracted with Steven Gaffney Architecture, Inc., the original Architect who designed the Gallo Center for the Arts. Steven Gaffney has extensive knowledge of the facility design, and will assist the County in articulating and defining the scope and cost of the repair with the Insurer.

Completion of this phase will ensure the Gallo Center for the Arts can continue operations on a limited basis while the restoration and construction phase commences.

The Project Manager will control the repairs and all aspects of construction to ensure the performing arts center is restored to its original condition.

Public Contract Code Section 22050 requires staff to report on the emergency action every 14 days until the action is terminated.

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 Capital Projects Staff will manage this construction project in coordination and collaboration with Chief Executive Office Risk Management Division and Gallo Center for the Arts, Inc. staff.

CONTACT PERSON: Patricia Hill Thomas, Chief Operations Officer. 209-525-6333