

**Attachment 1**

**MARIN MUNICIPAL WATER DISTRICT**

**RESOLUTION NO.**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MARIN MUNICIPAL WATER DISTRICT APPROVING THE CONTINUED USE OF THE DISTRICT'S EMERGENCY CONTRACTING PROCEDURES FOR THE WEST PEAK POWER POLE REMOVAL PROJECT**

**WHEREAS**, on February 5, 2024, severe winter storms impacted Marin County and wind speeds on top of Mt. Tamalpais reached over 100 mph; and

**WHEREAS**, severe wind conditions on Mt. Tamalpais compromised 49 power poles at the Old Mill Valley Air Force Station at West Peak; and

**WHEREAS**, the District closed West Peak to all public access due to hazardous conditions and worked with PG&E to secure the site; and

**WHEREAS**, the District, a special purpose municipal corporation, is authorized by District Code Section 2.90.055 to award construction contracts after waiving competitive bidding requirements in certain limited emergency situations; and

**WHEREAS**, the delay resulting from a formal competitive solicitation of bids will reduce the District's ability to complete the project in a timely manner to protect public safety and address the hazardous conditions, and

**WHEREAS**, on February 26, 2024, the District informally advertised Contract No. 2021, West Peak Power Pole Removal conducted a site visit with a qualified contractor; and

**WHEREAS**, on February 28, 2024, District Staff received one bid for the West Peak Power Pole Removal Project, which project will remove 49 compromised power poles and associated infrastructure; and

**WHEREAS**, Pinnacle Power Services, Inc. submitted a bid with their contract price of \$126,822 to perform the needed emergency services.

**NOW, THEREFORE, THE BOARD OF DIRECTORS RESOLVES AS FOLLOWS:**

A. The Board of Directors find as follows:

1. The above recitals are true and accurate and are incorporated herein by this

reference.

2. A significant emergency exists due storm damage that occurred as a result of extreme wind conditions in Marin County.
  3. The removal of the power poles and associated infrastructure is critical to ensuring public safety and reducing hazardous conditions at West Peak.
  4. If formal bidding procedures were used to solicit bids for the West Peak Power Pole Removal Project, this process would take approximately 3 to 4 months, which would impair the District's ability to protect life, health, and property, and exacerbates the impacts of the storm damage.
  5. Failure to expedite the solicitation process by obtaining informal quotations as permitted by District Code Section 2.90.055, for the removal of the compromised power poles and associated infrastructure poses a significant hazard to the public and visitors to the Mt. Tamalpais Watershed.
  6. The emergency created by the severe winter storms will not permit the delay that would result from a competitive solicitation for bids for the West Peak Power Pole Removal Project, and Continuation of the emergency contract award procedure of District Code Section 2.90.055(c) is required to respond to the emergency and to assure the District is able to continue ensure safe conditions on the Mt. Tamalpais Watershed.
  7. Until the compromised power poles are safety removed from the site, the emergency conditions will continue and therefore continuing use of the emergency contracting procedures is necessary.
- B. Competitive bidding requirements are waived for the rehabilitation of the West Peak Power Pole Removal Project pursuant to District Code Section 2.90.055.
- C. The Board of Directors directs the General Manager to negotiate and execute all contracts and agreements including professional services and construction services, in order to complete the emergency work associated with the West Peak Power Pole Removal Project and to procure the necessary equipment, services and supplies, to complete this work in a prompt manner in accordance with District Code Section 2.90.055.

**PASSED AND ADOPTED** this 2<sup>nd</sup> day of April, 2024, by the following vote of the Board of Directors.

**AYES:**

**NOES:**

**ABSENT:**

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**Ranjiv Kush**  
**President, Board of Directors**

**ATTEST:**

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**Terrie Gillen**  
**Board Secretary**