

Agenda Report Reviewed by:
City Manager: 

CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA ITEM

Meeting Date: March 1, 2022
To: Honorable Mayor and City Council
From: Dante Del Prete, Public Works Superintendent
Subject: Emergency Repair for Ives Pool Heater/Emergency Funding
Recommendation : That the City Council Authorize Emergency Funding for Repair to Ives Pool Heater
Funding: Currently Budgeted: _____ Yes No _____ N/A
Net Cost: \$48,825
Account # 100-4302-5100

*Project will be paid for by the General Fund.

*Net Cost: \$ 46,500
Contingency 5% \$ 2,325
Not to Exceed Total \$ 48,825

Account Code/Costs authorized in City Approved Budget (if applicable) AK (verified by Administrative Services Department)

INTRODUCTION:

This item is to request the City Council approve emergency funding to Repair Ives Pool Heater as discussed below for emergency repair.

BACKGROUND:

Ives Pool is a vital community recreation resource that is significantly utilized by the Sebastopol residents and many West County residents. The Ives Pool heating systems have historically been maintenance intensive due to the considerable use and basically 365 day per year operation of programs. Therefore, the pool heater is tasked with continuous operation.

DISCUSSION:

The Public Works Department is responsible for operation and maintenance of the City infrastructure to include Ives Pool mechanical systems. The pool heater was found to have an internal combustion issue and is in an imminent state of total failure. Public Works staff is continuing to research the potential warranty for the failed part, although historically the equipment has not been covered in the past. The replacement parts have been identified and sourced with a 5-to-7-day lead time. To limit the downtime of the continued operation of the pool prior to the complete failure of the pool heater the emergency approval for the repair is needed.

FISCAL ANALYSIS:

Per the City of Sebastopol approved purchasing policy, emergency purchases related to Public Projects are authorized under jurisdiction of the Public Contract Code/UCCAP, and are subject to definitions, regulations and processes that vary from City policy. Emergency purchases to repair or replace public facilities may proceed prior to adoption of the working details, drawing, plans and specifications, only when in accordance with the UCCAP definition and requirements. Staff responsible for Public Projects shall be held accountable for compliance with these requirements. Should any urgent or emergency purchase cause any budget line item to exceed the approved

budget, the department shall request City Manager approval to exceed and amend the budget, subject to subsequent City Council approval of an additional budget appropriation or budget amendment to cover the purchase.

City staff is also recommending a contingency of 5% of the repair. A contingency is a percentage of a contract value set aside for unpredictable changes in the scope of the work. In an emergency situation, such contingencies could be work delay due to unforeseen weather, design change in the field as recommended and approved by the City, delay in delivery of materials, etc. It is recommended that the use of contingency funds shall be approved in advance of incurred expenditure by the City Manager or his designee.

It is proposed the funding source for this repair is through the General Fund. Staff recommends a budget amendment of \$ 48,825 which includes a 5% contingency cost to account number 100-4302-5100.

RECOMMENDATION: That the City Council Approve the Resolution Authorizing Approval of Emergency Funding for Repair to Ives Pool Heater as discussed for emergency repair; authorize the City Manager or his designee to execute all required documents for repairs; and authorize a contingency of \$2,325 and that use of contingency funds shall be approved in advance of expenditure by the City Manager or his designee.

ATTACHMENTS:

Emergency Repair Proposal
Resolution



Proposal/Contract

To: City of Sebastopol
714 Johnson Street
Sebastopol, CA 95472
Attn: Dante Del Prete

February 23, 2022
ddelprete@cityofsebastopol.org
707-823-5331

Site Address: 7400 Willow Street

We propose to perform the equipment installation and/or services for the location specified above and as detailed in the following Scope of Work. Any additions, changes or revisions to the above dated bid documents or the below scope of work and exclusions will be provided for on a time and material basis only after prior written approval has been received from the owner or customer. This proposal is good for 15 days from the date above.

Scope of Work: New Heat Exchanger for the Ives Pool Raypak System

- Remove failing heat exchanger
- Remove existing gaskets
- Install new heat exchanger
- Install new gaskets
- Perform factory start up
- Check unit operations
- Please note we will be attempting to have Raypak honor a warranty for the part. If that is honored this price will be changed and we will reach out with the corrected amount due.

Grand Total of Proposal with tax and labor (Not including Permits, fees, Title 24).....\$46,500.00

Exclusions: additional failed parts found while dismantling heat exchanger, force majeure, guaranteed delivery date, any additional work found will be discussed with proper channels.

Deluxe Warranty Includes: Still waiting on verification from the Raypak on parts warranty, one year Peterson Mechanical labor warranty.

Peterson Mechanical

Tierra McCulligh February 23, 2022

Tierra McCulligh Date
Service Manager

Signature Date

Title

Payments are to be made in U.S funds. Peterson Mechanical, Inc. accepts approved MasterCard and Visa credit cards which, if used for payment, will include a 3% pass through surcharge on any invoice over \$1000. Partial credit card payments will incur a 3% pass through surcharge fee.

Unless otherwise specified in writing herewith - all invoices are net due 30 days from date of invoice. Peterson Mechanical, Inc. reserves the right to charge and collect a 1% per month late fee on all invoices remaining unpaid over 30 days from date of invoice.

RESOLUTION Number XXXX-2022

A Resolution of the City Council of the City of Sebastopol Authorizing
Emergency Repair for Ives Pool Heater Repair

WHEREAS, an emergency situation developed, which could not have been reasonably foreseen, with respect to the need to repair the Ives Pool Heater; and

WHEREAS, the Pool Heater has internally failed, is leaking and causing an unstable condition that will cause imminent shut down of Ives Pool; and

WHEREAS, the City has reviewed the history of this heating unit as well as potential warranty and based on the request from the Public Works Superintendent found that the work is a necessity to maintain community access to health and recreation activities provided by the Ives Pool facility; and

WHEREAS, pursuant to the Public Contracts Law, a contract may be awarded without public advertising for bids and bidding when an emergency affecting the public health, safety or welfare requires the immediate performance of the services; and

WHEREAS, the City is satisfied that the attached proposal hereto from Peterson Mechanical, and made a part hereof the emergency procurement is justified and meets the requirements of the Public Contracts Law; and

WHEREAS, the Public Works Department is requesting an additional budget amendment of \$48,825 in account 100-43-02-5100 to authorize the repair of the Ives Pool Heater, including all necessary paperwork, for such repair.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SEBASTOPOL CITY COUNCIL that the City declares that an emergency exists with respect to the immediate need to repair the heating unit at Ives Pool and declares that this constitutes an emergency and that the immediate emergency procurement of services is needed in order to protect public health, safety, and welfare.

The above and foregoing Resolution was duly passed, approved, and adopted at a meeting by the City Council on the 1st day of March 2022.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by City of Sebastopol City Council following a roll call vote:

VOTE:

Ayes:

Noes:

Abstain:

Absent:

APPROVED: _____

Mayor Patrick Slayter

ATTEST: _____

Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: _____

Larry McLaughlin, City Attorney