PORT COMMISSION AGENDA
SPECIAL MEETING
AUGUST 4, 2016 AT 9:30AM
VENTURA PORT DISTRICT OFFICE
1603 ANCHORS WAY DRIVE, VENTURA, CA

The Board will convene in Open Session at the Port District Office located at 1603 Anchors Way Drive for its Special Meeting at 9:30AM.

ADMINISTRATIVE AGENDA:

CALL TO ORDER: By Chair Jim Friedman.

PLEDGE OF ALLEGIANCE: By Chair Jim Friedman.

ROLL CALL: By the Clerk of the Board.

ADOPTION OF AGENDA (5 minutes)
Consider and approve, by majority vote, minor revisions to agenda items and/or attachments and any item added to, or removed/continued from the Port Commission’s agenda. Administrative Reports relating to this agenda and materials related to an item on this agenda submitted after distribution of the agenda packet are available for public review at the Port District’s office located at 1603 Anchors Way Drive, Ventura, CA during business hours as well as on the District’s website - www.venturaharbor.com (Public Notices). Each item on the agenda shall be deemed to include action by an appropriate motion, resolution or ordinance to take action on any item.

PUBLIC COMMUNICATIONS (3 minutes)
The Public Communications period is set aside to allow public testimony on items not on today’s agenda. Each person may address the Commission for up to three minutes or at the discretion of the Chair.

EMERGENCY ACTION ITEM: (10 minutes)

1. Existence of Emergency Condition at Docks F and G in Ventura Harbor Village Marina and Funding for Cost of Necessary Repairs
   Recommended Action: Resolution No. 3316 by 4/5ths Vote.
   That the Board of Port Commissioners adopt Resolution No. 3316, authorizing the General Manager and Business Operations Manager, pursuant to Section 22035 and 22050 of the Public Contract Code to commence immediate evaluation and repairs of Docks F and G at Ventura Harbor Village Marina.

ADJOURNMENT
This agenda was posted on Wednesday, August 3, 2016 at 5:00 p.m. at the Port District Office and on the Internet - www.venturaharbor.com (Port Commission).

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Ventura Port District at (805) 642-8538. Notification 48 hours before the meeting will enable the District to make reasonable arrangements to ensure accessibility.

(28 CFR 35.102, 35.104 ADA Title II)
To: Board of Port Commissioners  
From: Brian Pendleton, Business Operations Manager  
Subject: Existence of Emergency Condition at Dock G and Damage to Dock F in Ventura Harbor Village Marina and Funding for Cost of Necessary Repairs

Recommendation:
That the Board of Port Commissioners adopt Resolution No. 3316, making and approving the following findings and actions:

1. Due to a boat’s collision with G Dock, the dock has been severely damaged. The current condition of G Dock poses an immediate safety hazard to public health and safety, to the District’s real property, including the dock itself, and persons using or acting on or in the vicinity of the dock, including recreational boaters.

2. Due to such immediate threat, an emergency situation exists as to G Dock and its surrounding areas requiring immediate action to repair G Dock.

3. The District determines that the public interest and necessity demand the immediate expenditure of public money to safeguard the public and District property from the dangers posed by the current condition of the dock.

4. The Board hereby delegates to Brian Pendleton, the District Business Operations Manager, the authority to order and take any action required to respond to the emergency and for the immediate repair of G Dock, and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.

5. Said delegatee shall report to the Board of Port Commissioners within seven (7) days after taking any action to respond to the emergency, and at every subsequent regularly scheduled meeting of the Board until the emergency is resolved, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the actions taken are necessary to respond to the emergency.

6. The Board will review the emergency actions taken pursuant to this Resolution within seven (7) days after the delegatee takes any action to respond to the emergency, and at least at every regularly scheduled meeting thereafter until the emergency is resolved, to determine, by a four-fifths (4/5) vote, that there is a need to continue the actions taken by the delegatee. The delegatee may terminate those actions upon the emergency being mitigated prior to the Board reviewing the emergency actions taken. Otherwise, the Board may determine that the emergency situation has been resolved and there is no longer a need to continue emergency actions.
BACKGROUND:
On Sunday, July 31, 2016, there was a collision at Village Marina slip G-19 as the Dive Boat PEACE attempted to dock. There was significant damage to three of the dock piles which were pushed severely out of alignment. The dock structure itself was pushed into the adjacent slip water space rendering both 90’ slips unusable. The United States Coast Guard (USCG) is investigating the accident. Attached is the Harbor Patrol Incident Report. There is evidence to suggest the PEACE subsequently collided with F Dock causing additional damage to slip F-24.

On Sunday evening in collaboration with the Harbormaster, the Business Operations Manager and Consultant, Richard Parsons, the District’s Marina Manager in an effort to safeguard District property, authorized Major Engineering (Major) to temporarily stabilize the structure. There was sufficient concern the dock could break apart during high and low tide and the compromised piles would sink. Major arrived later Sunday night and worked using their floating barge and crane while the Harbor Patrol illuminated the area with their vessel’s spotlights. At the time of the collision the tide was coming up another 3 feet followed by a tidal swing of 7.4 feet to the low tide. During the brief time that Harbor Patrol was on the scene the docks were bending up and over due to the damage caused to the piles. Immediate action was necessary to avoid further damage to the docks. Additionally, the dock floats were at risk of coming loose, which would cause significant risk for boats transiting the harbor as well as vessels secured in neighboring slips.

The dock structure survived the night, but the three piles did not. The damaged F and G docks have been taken out of service and secured in an effort to avoid any public use. These quick efforts by District staff and contractor clearly prevented further damage to G Dock and mitigated the risks to public safety.

On Monday the three destroyed piles on G dock were removed. As of now, Major’s floating barge is the only thing securing the approximately 90 foot dock from bending or potentially breaking away into the Harbor. Anchors cannot be used to secure the Dock, leaving the District with two choices. Replace the piles and repair the damage immediately or sever G-19. If G-19 is severed, then it will need to be towed away and potentially removed from the Harbor. This would also take the adjacent G dock out of service as a precautionary measure. The net effect would be the displacement of two (2) slips, one for a seiner and a second for the PEACE. There was also an observation of damage to the pile guide on F Dock. This damage to Dock F-24 displaces two (2) additional slips. The repair is estimated to cost between $1,200 and $1,400.

The District’s Business Operations Manager contacted the District’s insurance carrier California Joint Powers Insurance Authority (CJPIA) on Monday and notified them of the collision. A formal claim was filed on Tuesday. CJPIA’s insurance adjuster assigned to the claim has been in communication with the Business Operations Manager and will be on site Thursday. In the meantime, as a requirement of the insurance adjuster, a marine engineer has been contacted to provide an inspection report. The firm retained, Noble Consulting, has extensive experience with Ventura Harbor and is identified as a professional service provider in the FY16-17 District budget. Noble will inspect the damage Wednesday, August 3, 2016.
and prepare a subsequent inspection report. The preliminary estimate for this inspection work is $4,500.

The District’s procurement policy defines an “emergency” as a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate, among other things, the loss or impairment of life, health, and property. The policy states that in the case of an emergency involving a public project under the UPCCA, the terms and conditions of Public Contract Code section 22035 will control.

Under section 22035, when an emergency arises that makes repair or replacement necessary, the Board can immediately proceed to replace or repair any public facility without first having to adopt plans or specifications or give notice for informal or competitive bidding. The work can be done by negotiated contract with a qualified contractor under the Board’s direction. If the District is not providing notice for informal or competitive bid, the District must comply with Public Contract Code section 22050.

Under section 22050, in emergency situations, the District pursuant to a four-fifths (4/5) vote of the Board can repair or replace a public facility, take any directly related and immediate action required by that emergency, delegate to a non-elected District officer or an elected officer the authority to order any action required by such emergency, and procure the necessary equipment, services, and supplies, without notice for informal or competitive bid. Before the Board takes action, it must make a finding, based on substantial evidence set forth in the minutes of the meeting, that the emergency will not permit a delay resulting from the bid process, and that the action is necessary to respond to the emergency.

If the Board determines an emergency exists under Sections 22035 and 22050, and delegates authority to a non-elected officer or an elected officer to take any actions required by the emergency, the Board will review the emergency actions taken pursuant to Resolution No. 3316 within seven (7) days after the delegatee takes any action to respond to the emergency (thus necessitating a follow-up meeting of the Board), and at least at every regularly scheduled meeting thereafter until the emergency is resolved, to determine, by a four-fifths (4/5) vote, that there is a need to continue the actions taken by the delegatee. The delegatee may terminate those actions upon the emergency being mitigated prior to the Board reviewing the emergency actions taken. Otherwise, the Board may determine that the emergency situation has been resolved and there is no longer a need to continue emergency actions.

As mentioned, Major’s floating barge is the only thing currently securing G Dock in place. In the opinion of staff, G Dock still poses a threat to public safety and District property. Accordingly, staff recommends that the Board declare an emergency as to G Dock, and allow a delegatee to take actions to immediately begin repairs on G Dock pursuant to Public Contracts Code sections 22035 and 22050, as outlined above.

However, if the Board elects not to declare such emergency, staff requests that the Board authorize expenditure of unbudgeted funds of up to $45,000 to cover the total estimated construction costs of repairing both G Dock and F Dock as explained below.
The District’s FY16-17 budget for Village Marina dock repairs is $28,000. The preliminary estimate for Dock F and G repairs is $38,750, thus exceeding the District’s budget. The CJPIA will pay for the repair costs exceeding the District's deductible, which is $5,000, however the District is responsible for contracting for the work. Under the District’s Procurement and Purchasing Policy, projects exceeding $45,000 require an informal bid process whereby a notice soliciting bids and subsequent Board action is necessary to award a contract. It is unlikely the total repair cost will exceed $45,000, and therefore would not be subject to the District's informal bid process.

According to the Marina Manager, the PEACE owner and captain verbally admitted fault in the collision. Therefore it is anticipated that CJPIA will pursue reimbursement accordingly, including reimbursement of the District’s $5,000 deductible. However the District will likely have to advance some of the contract costs and seek progress payments from CJPIA which has indicated they are willing to do. Hence, if this approach is preferred, Board action to authorize the expenditure of funds beyond the budget amount is still required.

Therefore, if the emergency procedure is not elected, staff alternatively recommends that the Board authorize the District to repair the docks by way of a negotiated contract for less than $45,000, avoiding the informal bidding process so that repairs can commence promptly.

**ALTERNATIVES:**
If the Board elects neither the emergency procedure nor the expenditure of non-budgeted funds as outlined above, the final alternative is to authorize the severing of G-19 Dock and securing it elsewhere in or outside the Harbor. This alternative would create longer term displacement of two seiner/dive boat slips. Staff does not recommend this alternative.

**ATTACHMENTS:**
Attachment 1 – Resolution No. 3316
Attachment 2 – Harbor Patrol Incident Report
Attachment 3 – Resolution No. 3257 with pages 7 and 14 of Procurement Policy
RESOLUTION NO. 3316

RESOLUTION OF THE BOARD OF PORT COMMISSIONERS OF THE VENTURA PORT DISTRICT APPROVING THE EMERGENCY REPAIR OF G DOCK IN VENTURA HARBOR VILLAGE MARINA PURSUANT TO PUBLIC CONTRACT CODE § 22035 AND § 22050

WHEREAS, the 90-foot dock designated as "G Dock" located in Ventura Harbor Village Marina has been severely damaged due to a diving boat losing control and colliding with the dock;

WHEREAS, pilings supporting G Dock have been dislodged as a result of the collision and there is serious concern that the dislodged dock poses a threat of immediate harm to the public, District property, and vessels operating in the marina;

WHEREAS, continued use of G Dock poses a danger to both persons and property in the marina, and the safety and health of individuals on or in the vicinity of the dock;

WHEREAS, an “emergency” situation means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate, among other things, the loss or impairment of life, health, and property;

WHEREAS, under the policy of the District, in the case of an emergency involving a public project under the Uniform Public Construction Cost Accounting Act (UPCCA), Public Contract Code section 22035 will control;

WHEREAS, under Section 22035, when an emergency arises that makes repair of a public facility necessary, the Board, pursuant to a four-fifths (4/5) vote, can authorize action to immediately proceed to repair such facility without first having to adopt plans or specifications or give notice for informal or competitive bidding with this work being done by day labor under the Board’s direction, by contractor, or by a combination of both;

WHEREAS, if the District is not providing notice for informal or competitive bid, the District must comply with Public Contract Code section 22050; and

WHEREAS, under Section 22050, in the case of an emergency, the District pursuant to a four-fifths (4/5) vote of the Board, may repair a public facility, take any directly related and immediate action required by that emergency, delegate to a non-elected District officer or an elected officer the authority to order any action required by such emergency, and procure the necessary equipment, services, and supplies for those purposes.
NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners DECLARES, DETERMINES, and ORDERS as follows:

1. Due to a boat’s collision with G Dock, the dock has been severely damaged. The current condition of G Dock poses an immediate safety hazard to public health and safety, to the District’s real property, including the dock itself, and persons using or acting on or in the vicinity of the dock, including recreational boaters.

2. Due to such immediate threat, an emergency situation exists as to G Dock and its surrounding areas requiring immediate action to repair G Dock.

3. The District determines that the public interest and necessity demand the immediate expenditure of public money to safeguard the public and District property from the dangers posed by the current condition of the dock.

4. The Board hereby delegates to Brian Pendleton, the District Business Operations Manager, the authority to order and take any action required to respond to the emergency and for the immediate repair of G Dock, and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.

5. Said delegatee shall report to the Board of Port Commissioners within seven (7) days after taking any action to respond to the emergency, and at every subsequent regularly scheduled meeting of the Board until the emergency is resolved, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the actions taken are necessary to respond to the emergency.

6. The Board will review the emergency actions taken pursuant to this Resolution within seven (7) days after the delegatee takes any action to respond to the emergency, and at least at every regularly scheduled meeting thereafter until the emergency is resolved, to determine, by a four-fifths (4/5) vote, that there is a need to continue the actions taken by the delegatee. The delegatee may terminate those actions upon the emergency being mitigated prior to the Board reviewing the emergency actions taken. Otherwise, the Board may determine that the emergency situation has been resolved and there is no longer a need to continue emergency actions.
PASSED, APPROVED AND ADOPTED this 4th day of August, 2016, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

__________________________
Chairman
Jim Friedman

ATTEST:

__________________________
Secretary
Oscar Pena
(Seal)
ATTACHMENT 1

STATE OF CALIFORNIA )
COUNTY OF VENTURA )ss.
CITY OF SAN BUENAVENTURA )

I, Oscar Pena, Secretary of the Ventura Port District, a public corporation, do hereby certify that the above and foregoing Resolution was duly passed and adopted by the Board of Port Commissioners of said District at a meeting thereof held on the 4th day of August, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said District this 4th day of August, 2016.

__________________________
Secretary

(seal)

G:\VENTURA\Emergency Dock Repair\RESOLUTION-Emergency Dock Repair.docx
ATTACHMENT 2
VENTURA PORT DISTRICT

INCIDENT REPORT # 16-163

(TIMES/MEASUREMENTS ESTIMATED)

Incident: VESSEL COLLISION: Mechanical Failure

Location: Ventura Harbor Village G-19  Date: 07-31-16  Day: Sunday  Times: 1630/1736

Reporting Party: passing boater

Address:  City:  State:  Zip:  Phone:

Party #1: Eric Bowman  Address: 2419 Harbor Blvd. #131  City: Ventura  State: Ca  Zip: 93001  Phone: 805-650-3483

Vessel Name: Peace  Off. # 540013  POB:  Val: 400 K  Type: Power  Length: 60.4 ft.

Make of Vessel: Custom

Reg. Owner: Peace Dive LLC  Address: 2419 Harbor Blvd. #131  City: Ventura  State: CA  Zip: 93001  Phone:

Misc. Info: owner of the vessel Peace

[ x ] Second Party  [ ] Victim  [ ] Witness  [ ] Passenger  [ ] Co-Defendant  [ ] Swimmer

Party #2: Steven Jay Adams

Address: PO Box # 712  City: Port Hueneme  State: CA  Zip: 93044

Misc. Info: Adams was the Captain of the vessel Peace.

Sky Cond: Clear  Vis: 08 Miles  Wind: West 10 knots  Seas/Ht: slt feet  Ent: slt

Advisories: none

Patrol Equipment: B-19, FB1  Other Agencies: USCG

Operator: Higgins B-19, Crane FB1  Crew: Sutherland FB1

NARRATIVE

1630  Higgins on B-19 advised of a boating accident at VHV-G-dock.

1632  B-19 on scene at VHV-G-19, The Vessel Peace hit the end of the dock while docking and pushed over the two end pilings and also the piling in the center of the dock.

1640  Crane and Sutherland on Fb1 on scene to assist. Sutherland interviewed the operator of the vessel Peace the first mate Kenneth Cody Errair also the captain Steven Jay Adams both advised, Errair was operating the vessel Peace approaching the dock to moor, He was bow to the dock and went to reverse the vessel and the vessel did not respond, Then Captain Adams took over the vessel the reverse was not working and Adams shut the engines down. The forward momentum of the vessel caused the Starboard side of the vessel to hit the end pilings with the rub rail the vessel dislodging three pilings on the dock. After inspecting the vessel it was found the shifting linkage failed and only some scuffing on the starboard rub rail of the vessel.
Higgins was assisting Eric Bowman the owner of the vessel Peace, Bowman was on scene but not on the vessel. Bowman was contacting the USCG to report the accident and also reporting to his insurance.

Frank Locklear also on scene he contacted Richard Parsons and Major Engineering to get the dock repaired. The pilings were pushed so far over the dock would not be able to move with the 6.5 high tide then going to a low of -0.9 tide.

Bowman had a diver dive on the vessel to check for damage, none found. The linkage of the vessel was repaired. The vessel was then moved out of the damaged slip to the other G-dock end tie slip.

1735 B-19 and Fb1 cleared the call.
1800 Advised major engineering would be coming down at 1900 to work on the dock.
2030 Steve Jennings of Major Engineering called requesting an escort for his Barge from VHV boatyard to G-dock he has no lights on the barge.
2045 Crane and Bear in B-17 escorting barge to G-dock.
2305 Major Engineering was able to straighten the two end pilings and secure them to the barge for the night.

8-1

Major Engineering removed the two end pilings.

Two pictures added to report taken during the investigation.

Vessel Peace at the damaged dock.

The damaged dock.
8/3/16

Amendment to IR 16-163

Observations of Harbor Patrol Officer Sutherland

The damage sustained to the docks at Ventura Harbor Village G-dock on 7-31-16 occurred at an approximately 3.2 foot incoming tide. That date coincided with some of the largest tidal fluctuations we see all year from a 6.5 foot high tide all the way down to a -0.9 foot low tide or a 7.4 foot tidal swing.

At the time of the collision the tide was coming up another 3 feet followed by the drop of 7.4 feet to the low tide. Even during the brief time that we were on scene you could see the docks bending due to being binded up by the bent over piles. The docks were unable to move up and down normally causing bowing of the entire dock both laterally and vertically. Immediate action was necessary to avoid further damage to the docks and piles that attach to this section of G-dock. The dock floats were at risk of coming loose with further damage to the dock. These floats would cause a significant risk for boats transiting the harbor as well as vessels secured in neighboring slips.

While on scene I also observed damage to the pile guide at Ventura Harbor Village F-dock. The guide was partially detached from the dock and bent up approximately 6 inches. It could clearly be seen while standing on G-dock.
Photo 1: Image taken from Fireboat 1 electronics at time of incident.
Photo 2

Taken at 4:45 PM just after collision. This photo illustrates the vertical and horizontal bowing of the dock.
Photo 3

Taken at 7:13 PM. Illustrates additional damage to the docks after rising with the tide.
Photo 4: Damage to the Dive Vessel Peace’s Starboard bow from impact with dock piles
Photo 5: Damage to Ventura Harbor Village F-dock pile guide.
RESOLUTION NO. 3257

A RESOLUTION BY THE BOARD OF PORT COMMISSIONERS
OF VENTURA PORT DISTRICT ADOPTING A
PROCUREMENT AND PURCHASING POLICY

WHEREAS, California Public Contract Code Section 20750 et seq. requires certain
District contracts in excess of certain prescribed amounts to be let by the Board of Port
Commissioners (the “Board”) upon competitive bidding; and

WHEREAS, the District’s existing Procurement and Purchasing Policy was adopted by
the Board on April 25, 2012, Resolution No. 3183, establishing, among other things, the
District’s competitive bidding procedures as required under the Public Contract Code; and

WHEREAS, Public Contract Code Section 22000 et seq. establishes the Uniform Public
Construction Cost Accounting Act (the “UPCCA”), which establishes a uniform cost accounting
standard for construction work performed or contracted by local public agencies, and authorizes
local public agencies to perform public projects or maintenance work by force account,
negotiated contract, or purchase order, and to use informal and formal bidding procedures when
contracting for public projects or maintenance work, in accordance with the statutory limits set
forth in the UPCCA; and

WHEREAS, on February 27, 2013, the Board adopted Resolution No. 3213 electing to
become subject to the UPCCA, and further elected to utilize the bidding procedures in the
UPCCA when contracting for public projects; and

WHEREAS, on May 8, 2013, the Board adopted Resolution No. 3219 electing to also
utilize the UPCCA’s bidding procedures when contracting for maintenance work; and

WHEREAS, as a result of the Board’s election to become subject to the UPCCA, the
Procurement and Purchasing Policy must be amended to reflect the fact that the District’s public
projects and maintenance work are now subject to the UPCCA requirements, and that the
competitive bidding requirements of Public Contract Code section 20751 only applies to
purchases by the District of supplies exceeding $25,000.00 that are used in connection with or
consumed on any work or project not subject to the UPCCA; and
WHEREAS, the Board finds it desirable and in the best interests of the District to rescind the existing Procurement and Purchasing Policy and to adopt a revised Procurement and Purchasing Policy in the manner set forth herein; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners of Ventura Port District hereby rescinds Resolution No. 3183 and adopts in its place the revised Procurement and Purchasing Policy attached hereto as Exhibit “A.”

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the Board of Port Commissioners of Ventura Port District held on October 22, 2014.

[Signature]
Chairman, Board of Port Commissioners
Ventura Port District

Attest:

[Signature]
Acting Secretary
(Seal)

STATE OF CALIFORNIA
) ss.
COUNTY OF VENTURA
) ss.
CITY OF SAN BUENAVENTURA

I, Acting Secretary of the Ventura Port District, a public corporation, do hereby certify that the above and foregoing Resolution 3257 was duly passed and adopted by the Board of Port Commissioners of said District at a regular meeting thereof held on the 22nd day of October 2014, by the following vote:

AYES: Commissioners Ashworth, Bravo, Smith and Chair Carson
NOES: None
ABSENT: Vice Chair Friedman

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said District this 22nd day of October 2014.

[Signature]
Secretary

(Seal)

Resolution No. 3257 - Page Two
public project or maintenance work has not been previously included within a budget category in the District's then-current fiscal budget, the doing of any such public project or maintenance work (whether by force account, negotiated contract, or purchase order) shall require prior approval from the Board at a regular or special meeting of the Board. Level 3 employees shall not be authorized to execute any such contract or purchase order until the General Manager has reviewed and approved the proposed contract or purchase order. No notice inviting informal bid for any such public project or maintenance work need be provided.

(4) **Contracts totaling $5,000.01 - $10,000.00**

The doing of any public project or maintenance work of the District that is subject to the UPCCA, or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements - personnel, materials, supplies, subcontracts, equipment and overhead - associated with the proposed public project or maintenance work) greater than $5,000.00 but less than or equal to $10,000.00 can be performed (i) by the District's employees by force account, (ii) by negotiated contract, or (iii) by purchase order, so long as such public project or maintenance work has been included within a budget category in the District's then-current fiscal budget. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by purchase order, the General Manager and any Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. If such public project or maintenance work has not been previously included within a budget category in the District's then-current fiscal budget, the doing of any such public project or maintenance work (whether by force account, negotiated contract, or purchase order) shall require prior approval from the Board at a regular or special meeting of the Board. No notice inviting informal bid for any such public project or maintenance work need be provided.

(5) **Contracts totaling $10,000.01 - $45,000.00**

The doing of any public project or maintenance work of the District that is subject to the UPCCA, or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements - personnel, materials, supplies, subcontracts, equipment and overhead - associated with the proposed public project or maintenance work) greater than $10,000.00 but less than or equal to $45,000.00 can be performed (i) by the District's employees by force account, (ii) by negotiated contract, or (iii) by purchase order, so long as such public project or maintenance work has been included within a budget category in the District's then-current fiscal budget. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by purchase order, the General Manager shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. If such public project or maintenance work has not been previously included within a budget category in the District's then-current fiscal budget, the doing of any such public project or maintenance work (whether by force account, negotiated contract, or purchase order) shall require prior approval from the Board at a regular or special meeting of the Board. No notice inviting informal bid for any such public project or maintenance work need be provided.
apply: (a) the dredging contractor was selected through a federal competitive bidding process for a federal dredging project then underway in the County of Ventura; and (b) the Board makes written findings, based on substantial evidence in the record, that the contract awarded pursuant to such section 20751.2 is likely to cost less than a contract awarded pursuant to Public Contract Code section 20751.

**C. Emergencies**

Pursuant to Public Contracts Code section 20751.1, in case of an emergency, the Board may, by resolution passed by a four-fifths vote of all of its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property, and thereupon proceed to expend any sum or enter into a contract involving the expenditure of any sum needed in the emergency without observance of the provisions requiring contracts, bids, or notice for any purchasing of supplies used in connection with or consumed on any project or work not subject to the UPCCA. If notice for bid to let contracts will not be given, the Board shall also comply with Public Contracts Code section 22050. In the case of an emergency involving a public project or maintenance work under the UPCCA, the terms and conditions set forth in Public Contract Code Section 22035 shall control.

An “emergency” means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

**D. Local Vendor Preference**

In determining the lowest responsible bid pursuant to the District’s competitive bidding procedures set forth in Section III(C), above, or in determining the lowest responsible bid pursuant to the formal bidding procedures set forth in the UPCCA, the Board finds it desirable and in the best interests of the District to establish a local business preference program in order to reduce the competitive barriers faced by local businesses (the “Local Business Preference Program”).

This Local Business Preference Program shall be taken into account in determining the lowest responsible bid in awarding a contract subject to the District’s competitive bidding procedures set forth above, or in determining the lowest responsible bid pursuant to the formal bidding procedures set forth in the UPCCA.

(1) Local Business Preference Program.

In determining the lowest responsible bid, the General Manager shall include the following:

(a) For (i) any District contract for the purchasing of materials or supplies used in connection with or consumed on any work or project not subject to the UPCCA reasonably estimated by the General Manager to have a contract amount greater than