



Legislation Text

File #: 23-356, **Version:** 1

Adopt a Resolution to Find that Emergency Conditions Exist that Do Not Permit a Delay Resulting from a Competitive Solicitation for Bids, and Authorize the City Manager to Award an Emergency Construction Contract to McGuire & Hester for the Demolition of the Former Blue Dolphin Restaurant Pier Structure, and to Appropriate \$245,355.54 from 210-57-203-5240 for this Emergency Project

COUNCIL PRIORITY

- Infrastructure
- Sustainability & Resiliency

SUMMARY

The attached resolution will (1) find that substantial evidence exists of an emergency that will not permit a delay resulting from a competitive solicitation for bids and that the action is necessary to respond to the emergency, and (2) authorize the City Manager or her designee to award an Emergency Construction Contract to McGuire & Hester for the demolition of the former Blue Dolphin Restaurant pier structure and the removal and hauling of contaminated debris.

RECOMMENDATIONS

Staff recommends the following:

- Find that substantial evidence exists of an emergency that will not permit a delay resulting from a competitive solicitation for bids and that the action is necessary to respond to the emergency.
- Authorize the City Manager or her designee to award an Emergency Construction Contract to McGuire & Hester for the demolition of the former Blue Dolphin Restaurant pier structure, including the removal of creosote contaminated/environmentally hazardous debris.

BACKGROUND

On June 5, 2023 Alameda County Fire Department (ACFD) responded to a fire located at the former Blue Dolphin Restaurant at the San Leandro Marina affecting the pier structure. ACFD monitored the smoldering fire for 48 hours while Public Works staff used an excavator to spread the embers to cool the fire. The charred wood (some of it with creosote) posed a danger of falling into the water, which would cause an environmental hazard. To prevent impact to the local waterways, staff sought assistance from McGuire & Hester to provide environmental protection (floating booms), demolition of the remaining structure, and disposal of the environmentally hazardous/creosote coated debris.

The original quote for \$109,500 provided a cost estimate for demolition and reinforcements to prevent any floating environmentally contaminated and/or hazardous debris from escaping into the water. The scope of work was amended to include hauling and disposal of the contaminated debris to

a permitted landfill facility that accepts creosote-treated wood and debris.

Analysis

Abatement, removal, and hauling of hazardous debris from the fire at the former Blue Dolphin Restaurant pier structure cannot be achieved with standard competitive solicitation and award procedures. This is due to the delay caused by the standard competitive solicitation process exposing the Marina to environmental contamination, and the City to serious liability due to a dangerous condition of public property and an attractive nuisance. Therefore, an emergency exists for the timely and necessary abatement, removal, and hauling of creosote contaminated/environmentally hazardous debris from the fire that occurred at the old Blue Dolphin Restaurant piers. If this emergency contract is not executed, the creosote contaminated and environmentally hazardous debris would have to remain at the Marina. It would constitute a dangerous condition of public property, and an attractive nuisance that could cause serious injury to persons, animals, or property and/or liability to the City. The Marina is in high use, such that even the potential exposure of creosote contaminated debris poses a serious risk to people, especially those with respiratory health issues.

In addition, even if the debris were covered and stored, the prevailing high winds at the San Leandro Marina could spread the contaminated debris, or particulate from the debris, beyond the immediate area and into the rest of the Marina, surrounding residential neighborhoods, or into San Francisco Bay. As such, immediate removal of the environmentally hazardous/contaminated debris to a permitted landfill facility is in the best interests of public health, welfare, and safety.

Financial Impacts

Emergency PO #60842 was requested. The CIP Marina Harbor Decommissioning Account 210-57-203-5240 will be used to fund this project.

The costs are as follows:

• Initial Contract		\$109,493.15
• <u>Change Order</u>	<u>\$135,862.39</u>	
Total		\$245,355.54

This Council action will not impact fund balance because there are funds available in the FY2023-2024 adopted budget.

ATTACHMENT(S)

Attachment A: Draft Resolution

Attachment B: Proposal from McGuire & Hester

PREPARED BY: Liz Jimenez, Sr Management Analyst, Public Works Department