



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 11.1k

Meeting Date: December 19, 2019

Subject: **Approve Resolution No. 3117: Declaring an Emergency that Requires the Procurement of Construction Services for Emergency Abatement and Repair at Lisbon Elementary School, and Awarding a Contract for Performance of the Emergency Repair Work**

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: _____)
- Conference/Action
- Action
- Public Hearing

Division: Facility Support Services

Recommendation: Approve Resolution No. 3117: Declaring an Emergency that Requires the Procurement of Construction Services for Emergency Abatement and Repair at Lisbon Elementary School, and Awarding a Contract for Performance of the Emergency Repair Work.

Background/Rationale: A routine maintenance check of facilities at Lisbon Elementary, the site of Yav Pem Suab (YPS) Academy, on November 22, 2019 uncovered concerning signs of deteriorating soffit (awning) joists in a section of the site's portable classrooms. The facility in question was reviewed by a Structural Engineer who uncovered wood rot in the soffits which could collapse and cause injury. The engineer found the main building structure to be in adequate condition. However, extensive rot in the soffits was found and believed to be triggered by inadequate ventilation which caused condensation to collect over a period of many years.

The condition of the soffits constitutes an emergency as outlined in the attached resolution and requires immediate action to prevent potential injury to students, staff and visitors. As such, the District has solicited informal proposals for the repair work as allowable under Public Contract Code § 22050 and requests the Board of Education to award a contract as outlined in the attachments by a four-fifths vote so that work may commence while students are away on winter break.

Financial Considerations: \$85,081

LCAP Goal(s): College, Career and Life Ready Graduates; Safe, Emotionally Healthy and Engaged Students; Family and Community Empowerment; Operational Excellence

Documents Attached:

1. Resolution No. 3117
2. Attachment A to Resolution No. 3117: Bid Award

Estimated Time of Presentation: NA

Submitted by: Rose Ramos, Chief Business Officer

Nathaniel Browning, Policy and Governance Manager

Approved by: Jorge A. Aguilar, Superintendent

**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION**

RESOLUTION NO. 3117

**RESOLUTION DECLARING AN EMERGENCY THAT REQUIRES THE PROCUREMENT
OF CONSTRUCTION SERVICES FOR EMERGENCY ABATEMENT AND REPAIR AT
LISBON ELEMENTARY SCHOOL AND AWARDED A CONTRACT FOR
PERFORMANCE OF THE EMERGENCY REPAIR WORK**

WHEREAS, on or about December 6, 2019, at the Lisbon Elementary School site, 7555 S. Land Park Dr., Sacramento, California (“Site”), currently used for classrooms by Yav Pem Suav Academy, an independent charter (“YPS”), an inspection by District staff and its structural engineer was conducted during the course of routine maintenance; and

WHEREAS, the inspection disclosed wood rot in the soffits (awnings) at the portable classrooms which could collapse and cause injury to the students, staff and visitors at the Site; and

WHEREAS, the condition regarding the soffits constitutes an emergency (“Emergency”) as defined in Public Contract Code 1102 and poses a clear and imminent danger, requiring immediate action to prevent the impairment or injury to life, health, and property; and

WHEREAS, based upon the inspection, there is substantial evidence that the Emergency will not permit a delay, resulting from a competitive solicitation for bids, and that the remedial action is necessary to respond to the Emergency without competitive bidding; and

WHEREAS, in order to abate the Emergency, and to provide for the safety of students, staff, and visitors at the Site, the District must immediately demolish and remove exterior soffits on portable structures (two rows approximately 120 feet long) as more particularly described in Bid No. 0284-416 during winter break (“Repair Work”); and

WHEREAS, District staff has informally solicited proposals for the Repair Work and requests the Board of Education (“Board”) to award a contract to the contractor as set forth in Attachment A; and

WHEREAS, the District has adopted the California Uniform Public Construction Cost Accounting Act (Pub. Contract Code, § 22000, et seq., “CUPCCAA”), which would otherwise require formal competitive bidding for construction contracts over \$200,000, and informal bidding for construction contracts over \$60,000, except in cases of emergencies pursuant to Public Contract Code § 22050 which requires a four-fifths vote of the Board; and

WHEREAS, an exception to the applicable competitive bidding requirements exists in cases of emergency when repair and/or replacements are necessary, and the Board may proceed to immediately replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts (Public Contract Code §22035); and

WHEREAS, emergency work under Public Contract Code section 22035(a) must be done pursuant to the terms of Public Contract Code section 22050.

NOW, THEREFORE, BE IT RESOLVED by the Sacramento City Unified School District Board of Education which finds and determines as follows:

1. Adopts the foregoing recitals as true and correct.

2. Finds that an Emergency exists, based upon substantial evidence, which will not permit a delay resulting from a competitive solicitation for bids, and that the award to a contractor is necessary to abate the Emergency, without competitive bidding, during winter break when class is not in session by YPS at the Site.

3. Orders, so as to mitigate and minimize as quickly as possible the potential health and safety impact on students, staff and visitors at YPS, the Repair Work to commence immediately; the Repair Work will not permit the delays which would result from a competitive bidding process; and this action is necessary to respond to and abate the Emergency.

4. Awards the contract to abate the Emergency to the contractor per the terms stated in Attachment A.

5. Delegates to the Superintendent, and his authorized designees, agents or representatives all actions necessary to complete the Repair Work.

6. District staff shall report on the status of the Emergency to the Board at its next regularly-scheduled meeting, if there is a need to continue the Repair Work, so that the Board may determine, by a four-fifths vote, including a specific determination that the remainder of the Repair Work cannot be completed by giving notice for bids to let contracts through the competitive bid process to the extent required by CUPCCAA.

PASSED AND ADOPTED by the Sacramento City Unified School District Board of Education on this 19th day of December, 2019, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

President of the Board of Education

ATTESTED TO:

Jorge A. Aguilar
Secretary of the Board of Education

Resolution No. 3117
Attachment A

Contractor: Clark & Sullivan Builders, Inc. dba Clark/Sullivan Construction

Contract Terms including General Conditions and Provisions in Contractor's Bid Form and Proposal Dated December 11, 2019:

1. Base Bid: \$77,346
2. 10% Owner's Contingency: \$7,735
3. Total Bid by Contractor: \$85,081

Owner's Allowance for patch and repair as needed and determined by District staff: \$20,000