

**RESOLUTION OF THE BOARD OF EDUCATION OF THE
PETALUMA CITY (ELEMENTARY) SCHOOL DISTRICT
AUTHORIZING EMERGENCY CONTRACT WORK
RELATED TO EMERGENCY FIRE ALARM WORK AT MCDOWEL ELEMENTARY SCHOOL
AND TO AWARD A CONTRACT FOR THAT WORK**

WHEREAS, the emergency fire alarm system at McDowell Elementary School is no longer operational, and the District has been utilizing emergency fire watch personnel in the interim since the system became non-operational at the McDowell Elementary School Site ("McDowell"); and

WHEREAS, the loss of an active emergency fire alarm system poses an immediate risk to life, property, and ongoing operations at the school, requiring immediate measures to develop and install an active fire alarm system and ancillary work and materials to complete the work ("Emergency Fire Alarm System Work"); and

WHEREAS, the District solicited two quotes from qualified contractors to perform the Emergency Fire Alarm System Work, and after careful vetting by District staff, the quote from Golden State Electric in the amount of \$377,293 is commensurate with current market rates for such work on an expedited basis; and

WHEREAS, generally, Public Contract Code section 20111 requires a school district to competitively bid any contract for services exceeding \$109,300; and

WHEREAS, generally, Public Contract Code section 22030 et seq. requires a school district that has opted to comply with the California Uniform Public Construction Cost Accounting Act (Public Contract Code § 22000 et seq.) (the "Act") to informally bid any contract for construction work exceeding \$60,000 in value and to formally bid any contract for construction work exceeding \$200,000 in value; and

WHEREAS, an exception to sections 20111 and 22030 et seq. exists in cases of emergency when repair or replacements are necessary; and

WHEREAS, an emergency is 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 (Public Contract Code § 1102), including the continuance of existing school classes (Public Contract Code § 20113); and

WHEREAS, in cases of an emergency, since the governing board of the District ("Board") has opted to comply with the Act, the Board may 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 must be done pursuant to the terms of Public Contract Code section 22050; and

WHEREAS, Public Contract Code section 22050 requires the following steps be taken:

- (1) Pursuant to a four-fifths (4/5) vote of the Board, the District may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts;

- (2) Before taking any action pursuant to paragraph (1), the Board shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency;
- (3) The Board, by a four-fifths (4/5) vote, may delegate the District Superintendent and/or its designee, the authority to order any action pursuant to paragraph (1);
- (4) If a person with authority delegated pursuant to paragraph (3) orders any action specified in paragraph (1), that person shall report to the Board, at its next meeting required pursuant to this section, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency;
- (5) If the Board orders any action specified above, the Board shall review the emergency action at its next regularly scheduled meeting and, except as specified below, at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths (4/5) vote, that there is a need to continue the action. If the Board meets weekly, it may review the emergency action in accordance with this paragraph every 14 days;
- (6) If a person with delegated authority orders any action specified in paragraph (1), the Board shall initially review the emergency action not later than seven days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than 14 days after the action, and at least at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths (4/5) vote, that there is a need to continue the action, unless a person with delegated authority has terminated that action prior to the Board reviewing the emergency action and making a determination pursuant to this subdivision. If the Board meets weekly, it may, after the initial review, review the emergency action in accordance with this paragraph every 14 days;
- (7) When the Board reviews the emergency action, it shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts; and

WHEREAS, immediate action must be taken by the District at McDowell including, without limitation, the following (“Emergency Fire Alarm System Work”):

1. Making necessary immediate repairs and installation of a new emergency fire alarm system,
2. Mitigating further damage,
3. Procuring and/or performing other associated services and public works required to continue the use of McDowell as a District elementary school; and

WHEREAS, the Emergency Fire Alarm System Work must be performed without delay to respond to the emergency and to (1) mitigate any further damage to the District’s facilities at McDowell and (2) to minimize as quickly as possible the impact on students and staff; and

WHEREAS, because of the requirement that Emergency Fire Alarm System Work must be done without delay, District staff was required to solicit quotes from reputable firms to perform the Emergency Fire Alarm System Work related to the Emergency; and

NOW THEREFORE, the governing board of the Petaluma City Schools hereby finds, determines, declares, orders, and resolves as follows:

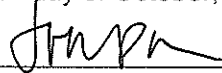
1. That the above recitals are true and correct;
2. That the Emergency Fire Alarm System Work at McDowell Elementary School is an emergency as defined by applicable statute(s) ("Emergency");
3. The circumstances of the Emergency necessitate that the Emergency Fire Alarm System Work related to the Emergency be let without a competitive solicitation for bids to respond to the Emergency;
4. That the District's superintendent or designee is authorized to execute a contract with Golden State Electric attached in the form attached as **Exhibit "A"**, for Golden State to perform the Emergency Fire Alarm System Work, without further advertising for or inviting of bids, and to take all steps and perform all actions necessary to execute and implement that contract;
5. That all contracts with firms to perform the Emergency Fire Alarm System Work related to the Emergency for which performance has already begun are hereby ratified and the District's superintendent or designee, and the superintendent or designee is authorized to execute change orders, as appropriate and as necessary, and to take all steps and perform all actions necessary to execute and implement those contracts;
6. That District staff report on the status of this Emergency to the District's Board at the Board's next regularly scheduled Board meeting and at all subsequent regularly scheduled Board meetings until the Board terminates the Emergency action.

PASSED AND ADOPTED by the following vote this 10th day of October, 2023, by the Governing Board of Petaluma City Schools of Petaluma County, California, by the following vote:

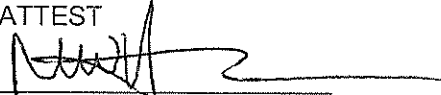
CLOUD: Aye GEN: Aye PAUN: Aye QUINN: Aye WEBSTER: Aye

WHEREUPON, the President declared the above resolution adopted and

SO ORDERED this
10th day of October, 2023


Joanna Paun, President
Board of Education

ATTEST


Matthew Harris, Secretary