

Resolution No. 46, 2019-20

**BEFORE THE BOARD OF EDUCATION
OF THE ELK GROVE UNIFIED SCHOOL DISTRICT
SACRAMENTO COUNTY, CALIFORNIA**

**RESOLUTION DECLARING EMERGENCY, AUTHORIZING RECONSTRUCTION OF
SCHOOL FACILITIES**

WHEREAS, on or about November 14th, 2019, the existing uninterruptible power supply (“Existing UPS”) installed in the main point of entry (“MPOE”) at the Robert Trigg Education Center (“Building”), located in the Elk Grove Unified School District (“District”), began malfunctioning in that it failed during a power outage, and the unit was unable to be repaired or restarted (“Inoperative Power Supply Condition”); and

WHEREAS, this is a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent the interruption of classes and to ensure the safety of students in that the Inoperative Power Supply Condition will lead to the disruption of the communication systems and alarm systems and thus will make it difficult or impossible to provide students and staff with critical information during an emergency situation, such as an active shooter or fire, and thus constitutes an emergency under Public Contract Code section 1102; and

WHEREAS, the Inoperative Power Supply Condition poses a danger to life and the continuance of existing classes, per Public Contract Code section 20113 and due to this emergency, it is necessary to replace the Existing UPS at the Building, a public school facility, to permit the orderly transition of classes and the distribution of critical information during an emergency situation; and

WHEREAS, the District has acted promptly and diligently by immediately investigating the Inoperative Power Supply Condition and potential solutions for the restoration of the system; and

WHEREAS, the solution required would otherwise necessitate bidding under Public Contract Code section 20111(b), which generally requires the District to advertise and contract such work in excess of \$15,000 through a public bid; and

WHEREAS, Public Contract Code section 20113 permits the District, by a unanimous vote, with the approval of the County Superintendent of Schools, to enter into contracts without complying with the bidding requirements and/or to authorize the use of day labor or force account notwithstanding Public Contract Code section 20114 in cases of emergency, all as set forth in Public Contract Code section 20113; and

WHEREAS, the District intends for the Existing Power Supply System be replaced by connecting the MPOE to the primary Uninterruptible Power Supply System (“primary UPS”) for the Data Center at the Building; and

WHEREAS, EDP Environments, Inc. (“Contractor”) provided District with a quote for connecting the MPOE to the primary UPS at the Building, attached hereto as Exhibit A and incorporated herein by this reference.

NOW, THEREFORE, the Board of Education of the Elk Grove Unified School District of Sacramento County, State of California, hereby finds, determines and orders as follows:

1. The recitals above are true and correct.
2. The work is immediately necessary to avoid disruption of existing classes and to ensure the safety of students and staff and the District’s need for such work constitutes an emergency within the meaning of Public Contract Code sections 20113 and 1102.
4. The Board hereby ratifies any contracts in writing related to the work, and authorizes and directs District’s Deputy Superintendent, or designee, to make a contract or contracts in writing on behalf of the District with the Contractor or another qualified installer and/or to use day labor or force account without reference to Public Contract Code section 20114 for the performance of the work, including all labor and furnishing of all materials or supplies in connection therewith, without advertising for or inviting bids, pursuant to the authority of this Resolution and California Public Contract Code section 20113.
5. The District’s Superintendent, or designee, is authorized and directed to immediately notify the Sacramento County Superintendent of Schools of the unanimous vote of the District to enter into a contract to undertake the work and/or to use day labor or force account, and to request the Sacramento County Superintendent of School’s approval.
6. The District’s Superintendent, or designee, is authorized and directed to take any and all lawful measures to ensure the timely completion of the work.

7. This authorization is contingent upon the approval and concurrence of the County Superintendent of Schools as required by Public Contract Code section 20113.

PASSED AND ADOPTED by the Board of Education of the Elk Grove Unified School District at its regular held on January 14, 2020.

AYES:

NOES:

ABSENT:

ABSTAINED:

Beth Albiani, President
Elk Grove Unified School District
Board of Education

Dr. Crystal Martinez-Alire, Clerk
Elk Grove Unified School District
Board of Education

Approved by:

David Gordon
Sacramento County Superintendent of Schools