

RESOLUTION NO.20-074
of the
BOARD OF EDUCATION
of the
BERKELEY UNIFIED SCHOOL DISTRICT

**FINDING THE EXISTENCE OF AN EMERGENCY AND AUTHORIZING THE
MAKING OF A CONTRACT IN WRITING ON BEHALF OF THE DISTRICT
WITHOUT ADVERTISING FOR OR INVITING BIDS**

WHEREAS, on July 3, 2020, a portion of the district office located at 2020 Bonar Street, Berkeley, CA 94702 (“District Office”) suffered fire damage as a result of arson, leaving the District Office damaged and partially exposed to the elements; and

WHEREAS, there is potential structural damage and damage to both the interior and exterior of the building, thereby interfering with the normal operations of the District that occur on that portion of the site; and

WHEREAS, the District caused Shoreline Environmental Services and Restoration management Inc. along with their subcontracted Structural Engineers (“Engineer”) to perform and initial structural and building inspection to determine the extent of repairs needed to restore the District Office; and

WHEREAS, the District determined that immediate action was required to prevent additional property damage and to ensure the safety of students and staff, as delaying the repair of the District Office until bids could be obtained would (1) pose a clear and imminent danger to the structure of the District Office, (2) pose a threat to the District’s students, staff, and the public, and (3) prevent the continuation of work that normally occurs in that portion of the District Office; and

WHEREAS, the District solicited and received a proposal from Restoration management Inc. (“Contractor”), which possesses a contractor’s license issued by the Contractors State License Board, specifically license number 765595, with classifications Band which, as the District understands, has extensive related experience, to inspect, determine appropriate solutions, and repair the District Office (herein, the “Project”); and

WHEREAS, Public Contract Code section 20113(a) provides that in an emergency, when any repair, alteration, work, or improvement is necessary to any facility of public schools to permit the continuance of existing school classes, or to avoid danger to life or property, the governing board may, by unanimous vote, with the approval of the county superintendent of schools, make a contract in writing or otherwise on behalf of the District for the performance of labor and furnishing of materials or supplies for the purpose without advertising for or inviting

bids; and

WHEREAS, Public Contract Code Section 1102 defines an “emergency,” as used in Public Contract Code Section 20113, as “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”; and

WHEREAS, the District desires that the Governing Board of the Berkeley Unified School District (“Board”) declare the existence of an emergency for purposes of Public Contract Code Section 20113 and, therefore, authorize the District, in the absence of bids, to contract with Contractor for completion of the Project; and

WHEREAS, the District requested approval from the Contra Costa County Superintendent of Schools to contract, in the absence of bids, for completion of the Project by Contractor.

NOW, THEREFORE, BE IT RESOLVED:

1. The Board hereby determines that the foregoing recitals are true and correct.
2. The Board hereby finds that an emergency situation exists and that immediate action to complete the Project is necessary because the damage to the District Office constitutes a clear and present danger, and immediate action is required to mitigate the loss or impairment of the District Office and the current and future danger to staff, students, and community members who might otherwise frequent that portion of the District Office or locations immediately adjacent thereto.
3. The Board hereby authorizes the Superintendent or his designee, upon receiving written approval from the Contra Costa County Superintendent of Schools, and without advertising for bids, to make a contract in writing with Restoration Management Inc. for the performance of the work and services needed to complete the Project, in an amount not to exceed \$450,000.00.

PASSED AND ADOPTED this 15th day of July, by the Governing Board of the Berkeley Unified School District of Contra Costa County, California by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

July 15, 2020

By:

Ka'Dijah Brown
Clerk of the Board of Education
Berkeley Unified School District