

**RESOLUTION NO. 40-19
OF THE DAVIS JOINT UNIFIED SCHOOL DISTRICT
TO DETERMINE THAT AN EMERGENCY EXISTS REGARDING
ELECTRICAL ISSUES AND REPAIR WORK AT DAVIS SENIOR HIGH SCHOOL**

WHEREAS, Public Contract Code section 20113 provides that a school district may enter into a contract without advertising for or inviting bids when repairs, alterations, work, or improvements are necessary to avoid danger to life or property, or to permit the continuance of existing school classes, after a unanimous vote of that district's Board of Education declaring that an emergency exists and with the approval of the county superintendent of schools;

WHEREAS, Public Contract Code section 1102 defines an emergency 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;

WHEREAS, on or about April 7, 2018, Davis Senior High School ("High School") experienced a sudden, unexpected catastrophic failure of a bus duct, resulting in a total loss of power at the High School, including loss of power for data connections, telephone systems, fire and other alarms ("Emergency Loss of Power");

WHEREAS, staff investigated the source of the power outage, identifying the bus duct failure;

WHEREAS, due to the complete power outage, all classes and events at the High School were cancelled for April 8, 2018;

WHEREAS, staff was forced to take emergency action to obtain and install a temporary generator at the High School;

WHEREAS, the temporary generator at the High School does not resolve the Emergency Loss of Power, because the generator is not sufficient for functional Heating, Ventilation and Air Conditioning ("HVAC") at the High School and HVAC systems will not be functional until full repairs are made to the High School's power grid, including repairs to the bus duct ("Emergency Repairs");

WHEREAS, the temporary generator at the High School does not resolve the Emergency Loss of Power, because the generator produces noise requiring the displacement of students from existing science labs into alternate non-science lab locations, which will not be resolved until Emergency Repairs are completed;

WHEREAS, the temporary generator at the High School does not resolve the Emergency Loss of Power, because the generator uses unsecured high voltage lines that will not be removed until Emergency Repairs are completed;

WHEREAS, the Emergency Repairs at the High School are required to avoid an increased risk to the public health and safety of students, staff, and members of the public due to the lack of access to functional HVAC systems;

WHEREAS, the Emergency Repairs at the High School are required to avoid an increased risk to property and life due to the high voltage lines required for the temporary generator;

WHEREAS, the Emergency Repairs at the High School are required to allow existing science classes requiring use of science labs to continue;

WHEREAS, the District needs to have a bus duct manufactured for purposes of repairing the High School's electrical infrastructure, and needs to have a contractor repair, replace or otherwise correct the High School's electrical infrastructure via Emergency Repairs at the High School to protect against the danger and risks posed by the temporary generator;

WHEREAS, immediate action must be taken by the District at the High School site including, without limitation, the following Emergency Repairs:

(1) Taking all actions required to make the High School site safe and secure to prevent and minimize any possible safety issues to persons or property;

(2) Repairing the electrical infrastructure, including bus duct(s), so as to mitigate and prevent any adverse conditions that could cause damage to the District's facility and/or injury to District staff, students, teachers, and members of the public;

(3) Procuring and/or performing other associated services and public works required to resume and continue the normal use of the High School;

WHEREAS, the Emergency Repairs must be performed without delay to respond to the emergency and to (1) mitigate any damage to the District's property at the High School site, (2) to minimize as quickly as possible the potential health and safety impact on District staff, visiting students, teachers, and the general public, (3) permit the continuance of all classes, including science classes requiring the use of science labs; and

WHEREAS, because of the requirement that Emergency Repairs be done without delay, District staff must direct firms to perform Emergency Repairs related to the emergency without following formal bidding practices.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND FOUND by the Board of Education of the Davis Joint Unified School District:

Section 1. That the above recitals are true and correct.

Section 2. That the foregoing facts constitute an emergency as defined by applicable statute(s).

Section 3. That the Board hereby finds that the Emergency Repairs must commence immediately and therefore will not permit the delays which would result from a competitive bidding process, and that approval of this Resolution is necessary to respond to the emergency.

Section 4. That based on the foregoing, it would be incongruous, futile, and unavailing to attempt to bid this work.

Section 5. That the Board hereby resolves to delegate the authority to the Superintendent, or designee, to seek approval of the Superintendent of Schools of Yolo County.

Section 6. That the Board authorizes the Superintendent, or designee, to enter into one or more contracts or change orders, and take all other action necessary, to perform all necessary work to complete Emergency Repairs at Davis Senior High School without advertising for bids, and to take all steps and perform all actions necessary to execute and implement those contracts or change orders.

Section 7. That, to the extent actions in Section 5 or 6 have been undertaken by the District's Superintendent or designee, including but not limited to procuring and installing a temporary generator, the Board hereby ratifies such actions in response to the emergency.

APPROVED, PASSED AND ADOPTED by the Board of Education of the Davis Joint Unified School District on this _____ day of April, 2019, by the following vote:

AYES:

NOES:

ABSTENTIONS:

President of the Board of Education of the
Davis Joint Unified School District

Attested to:

Clerk of the Board of Education of the
Davis Joint Unified School District

Yolo County Superintendent of Schools – Approval Regarding Davis JUSD Emergency,
Resolution No. 40-19

Having reviewed Davis Joint Unified School District ("District") Resolution Number 40-19 ("Resolution To Determine That An Emergency Exists Regarding Electrical Issues And Repair Work At Davis Senior High School") and the findings of fact therein, pursuant to Public Contract Code Section 20113, I hereby approve the District making contract(s) in writing or otherwise on behalf of the District for the performance of labor and furnishing of materials or supplies for the emergency purpose without advertising for or inviting bids.

_____, 2019

Garth Lewis
Yolo County Superintendent of Schools