



\_\_\_\_\_ : January 19, 2023

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

\_\_\_\_\_ Facilities Support Services

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The January 2023 severe rain and windstorms caused a tree to fall on the Girls Locker Room at Sutter Middle School, resulting in significant exterior and interior damage to the building and surrounding area. Immediate action was taken to secure the building, but further exigent repairs are required to fully remediate the damage and make the building and site safe and secure. There is not sufficient time for informal bidding to secure a contract to perform the Repair Work without delaying or interfering with the essential public services provided by the District and/or increasing the likelihood of damage to persons and property. The District believes that pursuing a contract without bidding pursuant to Public Contract Code sections 22035 and 22050 and based on futility is warranted

Each following board meeting, staff shall provide an update on this repair, including an amended resolution authorizing the contract for repair with contractor. This update will continue until the emergency is no longer in place.

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Measure Q – Price TBD

RESOLUTION NO. 3302

RESOLUTION OF THE BOARD OF EDUCATION OF THE  
SACRAMENTO CITY UNIFIED SCHOOL DISTRICT TO DETERMINE THAT AN  
EMERGENCY EXISTS, THAT FORMAL BIDDING OF THE REPAIR WORK AT SUTTER  
MIDDLE SCHOOL IS WAIVED, AND APPROVING THE CONTRACT

WHEREAS, Sacramento City Unified School District ("District") is subject to the California Uniform Public Construction Cost Accounting Act, Public Contract Code section 22000 et seq. ("CUPCCAA"), and must informally bid any contract for construction work exceeding \$60,000 and up to \$200,000 in value and formally bid any contract over \$200,000;

WHEREAS, CUPCCAA supersedes the bidding procedures in Public Contract Code section 20111 et seq. unless CUPCCAA is silent on the matter;

WHEREAS, in cases of emergency, the District's Board of Education ("Board") may proceed pursuant to CUPCCAA (Public Contract Code, § 22035) to immediately replace or repair any District facility without adopting plans, specifications, and estimates; and

- (3) The Board, by a four-fifths vote, may delegate to the District Superintendent and/or his 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, the reasons justifying why the emergency will not permit 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

specified below, at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, whether there is a need to continue the action;

whether there is a need to continue the action;

complete the Repair Work, without further advertising for or inviting of bids, and to take all steps and perform all actions necessary to execute and implement those contracts.

Section 4. That District staff report on the status of this emergency to the 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.

APPROVED, PASSED AND ADOPTED by the Board of Education of the Sacramento City Unified School District on this 19<sup>th</sup> day of January, 2023, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ATTESTED TO:

\_\_\_\_\_  
Chinua Rhodes,  
President of the Board of Education

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Jorge A. Aguilar, J.D.,  
Secretary of the Board of Education