



BEAUMONT UNIFIED SCHOOL DISTRICT

RESOLUTION 2024-25-01

EMERGENCY RESOLUTION TO APPROVE CONTRACTS TO REPAIR BROKEN WATER SUPPLY LINE AND REMEDIATE RESULTANT DAMAGE AT HIGHLAND ACADEMY CHARTER SCHOOL

WHEREAS, on the morning of July 19, 2024, the Maintenance Department of the Beaumont Unified School District (“District”) received a call from staff at Highland Academy Charter School (“Charter School”) that there was a water leak and water was flowing from a threshold in the interior doorway between D1 and D3 in the D Building;

WHEREAS, the District dispatched its maintenance staff and upon investigation it was determined that the water was from a broken water line running under the affected classrooms that predated the 1919 construction of the D Building, and that the broken water line is owned by the Beaumont Cherry Valley Water District (BCVWD);

WHEREAS, District staff and administration informed its Board of Trustees (“Board”) of the water leak and damage at the Charter School as soon as possible;

WHEREAS, the District had to take immediate action to stop the water leak and begin flood mitigation work including removing all water and drying out the affected rooms and areas;

WHEREAS, the damage caused by the broken water line will require additional immediate repair and remediation work including, but not limited to, repairing or replacing the broken water line in coordination with BCVWD, remediating or repairing damages in the classrooms and other affected areas including original built-in cabinetry, carpeting, floor tiles, drywall, soundboards/wallboards, painted walls and surfaces, interior and exterior doors, miscellaneous classroom furniture, and any other related work caused by broken water line (collectively, “Repair Work”);

WHEREAS, immediate commencement of the Repair Work is necessary to: (1) prevent or mitigate the impairment of safety, life, health, and property, to both the District and the Charter School; (2) ensure the District is able to provide education and other essential public services to students, staff, and the Charter School; and (3) prevent additional potentially dangerous conditions such as potential exposure to mold and other hazards;

WHEREAS, in order to perform all required scope of work without delay, the District will need to quickly execute, deliver, and otherwise negotiate contract(s), change orders, requisitions, or purchase order(s), and procure the necessary services to complete the required Repair Work;

WHEREAS, although the total cost for all of the required work has not yet been determined, District staff anticipates that the cost will exceed the applicable bidding threshold and will require the District to competitively bid the work;

WHEREAS, the District elected to become subject to the California Uniform Public Construction Cost Accounting Act pursuant to Public Contract Code section 22000 *et seq.*;

WHEREAS, competitively bidding the Repair Work pursuant to the California Uniform Public Construction Cost Accounting Act would cause unnecessary delay in addressing the emergency conditions set forth above;

WHEREAS, it would work an incongruity and not produce any advantage to the District to competitively bid the Repair Work due to the immediate need of providing safe and adequate facilities for the District and the Charter School;

WHEREAS, Meakin v. Steveland (1977) 68 Cal.App.3d 490 and Los Angeles Dredging v. Long Beach (1930) 210 Cal. 348 hold that statutes requiring competitive bidding do not apply when competitive bidding would work an incongruity or not produce any advantage;

WHEREAS, Public Contract Code section 22050(a)(1) states that in the case of an emergency, the District, pursuant to a four-fifths vote of its governing Board, 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;

WHEREAS, pursuant to Public Contract Code section 22050(b)(1), the District's Board may, by four-fifths vote, delegate by resolution to the appropriate nonelected District officer, the authority to order any action specified in Public Contract Code section 22050(a)(1);

WHEREAS, when the Board reviews the emergency action pursuant to the requirements above, 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.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Beaumont Unified School District makes the following findings regarding the emergency that exists:

1. That the above recitals are true and correct.
2. That the health and safety of the students and staff of the District and the Charter School, as well as the general public requires that timely and immediate performance of the Repair Work is necessary to provide safe and adequate facilities for District and Charter School students, teachers, and staff, and to avoid unnecessary health and safety risks.
3. That the required Repair Work constitutes an emergency under Public Contract Code section 1102 which 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."
4. That it would work an incongruity and not produce any advantage to the District to competitively bid the Repair Work.

5. That the Board finds, based on substantial evidence, that the emergency conditions caused by the broken water line at the Charter School and nearby areas will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.
6. That the Board, pursuant to Public Contract Code section 22050(b)(1) and a four-fifths vote, delegates to its Superintendent or her designee authority to execute, deliver, and otherwise negotiate contract(s), change orders, requisitions, or purchase order(s), and procure the necessary equipment, services, and supplies to complete the required Repair Work, or to otherwise carry out the intent of this Resolution, all subject to ratification of the Board.
7. That the Board of Trustees approves, by a majority vote the delegation of authority to its Chief Business Official to accept the Repair Work as complete, record a Notice of Completion for the Repair Work, and to approve any contracts to perform the Repair Work.
8. That this Resolution shall be effective as of the date of its adoption.

APPROVED, PASSED AND ADOPTED by the Board of Trustees of the Beaumont Unified School District on August 20, 2024, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINED:

Jeff Brown, Clerk of the Board of Trustees
Beaumont Unified School District