



BEAUMONT UNIFIED SCHOOL DISTRICT

RESOLUTION 2024-25-02

EMERGENCY RESOLUTION TO APPROVE CONTRACTS TO REPAIR GAS LINES AND VALVES AT SAN GORGONIO MIDDLE SCHOOL

WHEREAS, on June 15, 2024, contractors working on Heating, Ventilation, an Air Conditioning (HVAC) upgrades at San Gorgonio Middle School (“School”) had to shut off the main gas line at the School due to a gas line break at a rooftop HVAC unit;

WHEREAS, during the repair of the broken gas line, the gas valve on the meter was damaged requiring involvement of the Southern California Gas Company (“SoCal Gas”) and SoCal Gas determined that the damaged gas valve had to be replaced;

WHEREAS, after completing repairs of the gas valve on July 9, 2024, and upon restoring gas service to the School, the District and SoCal Gas discovered multiple leaks in the School’s gas system infrastructure;

WHEREAS, after further investigations by District maintenance personnel along with the District’s construction manager, Ledesma & Meyer Construction Co., it was determined that the subterranean gas isolation valves for each building at the School were the source of the leaks and that they needed to be replaced (“Repair Work”);

WHEREAS, due to the potential dangers of gas leaks and the importance of having proper gas services throughout the School to heat the classrooms and provide hot water, the Repair Work needed to be performed immediately;

WHEREAS, immediate commencement of the Repair Work was necessary to prevent or mitigate the impairment of safety, life, health, and property, to ensure the District is able to provide education and other essential public services to students and staff, and to prevent additional potentially dangerous conditions;

WHEREAS, in order to perform all required Repair 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 final total cost for all of the Repair 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 emergency need of providing safe and adequate facilities for students and staff;

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 to let contracts;

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, staff, and general public at San Gorgonio Middle School requires that immediate performance of the Repair Work is necessary to provide safe and adequate facilities for District 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 set forth in the minutes of this meeting, that the emergency conditions caused by faulty subterranean gas isolation valves at the School 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 Governing 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 September 10, 2024, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINED:

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