



## CITY OF COMMERCE AGENDA REPORT

**TO:** Honorable City Council

**Item No.** \_\_\_\_\_

**FROM:** City Administrator

**SUBJECT:** A RESOLUTION DECLARING AN EMERGENCY FOR PERFORMING MODIFICATIONS TO THE VETERANS PARK FIRE SPRINKLER SYSTEM FOR CONTINUED FIRE CERTIFICATION AND INSURANCE COVERAGE OF THE BUILDING, AND MAKING FINDINGS IN SUPPORT THEREOF, PURSUANT TO PUBLIC CONTRACT CODE SECTIONS 20168, 22035, AND 22050.”

**MEETING DATE:** March 20, 2018

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### **RECOMMENDATION:**

To adopt Resolution declaring an emergency for performing modifications to the Veteran's Park fire sprinkler system for continued fire certification and insurance coverage of the building, and making findings in support thereof.

Resolution needs to be passed by 4/5<sup>th</sup> vote.

### **ANALYSIS:**

In 2017, Veterans Park Building went through complete environmental abatement work that included stripping the building completely and removing all the ceiling tiles. As a result of this work, many components of the existing fire extinguishing and sprinkler system was rendered ineffective and as such they do not meet the California state-mandated code and certification requirements.

California Health and Safety Code section 13195-13199 Fire code requires regular testing of the fire extinguishing systems. California Fire Code, Section 901.4, Installation (Title 24, CCR, Part 9 (2013) states: “Fire protection systems shall be maintained in accordance with the original installation standards for that system. Required systems shall be extended, altered, or augmented as necessary to maintain and continue protection whenever the building is altered, remodeled or added to. Alterations to fire protection systems shall be done in accordance with applicable standards.” Due to the modifications that were made to the building in 2017, the existing system no longer meets the Fire Codes and as such, the City was unable to receive its 5-year Fire Prevention Certification for the Veterans Park Building, which expired at the end of 2017. Lack of such certification also impacts the City's health and safety and continued insurance coverage.

Based on the above substantial evidence, the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property. Further, pursuant to Public Contracts Code (hereinafter, "PCC") section 22050(a)(2), "...that the emergency will not permit a delay resulting from a competitive solicitation for bids," and therefore, this action recommended by City staff is necessary to respond to the emergency.

It is recommended that City Council, by Resolution pursuant to a four-fifths (4/5) vote, declare an emergency to enable staff to bypass the regular bidding process and receive informal quotes to plan and install the needed fire sprinkler system and restore the certification as quickly as possible. The attached Resolution further delegates to the City Administrator, or his or her designee, the authority to order any action necessary to make the necessary repairs, and/or "take any directly related and immediate action required by that emergency, and procure necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts." (PCC §§ 22050(a)(1); 22050(b)(1)).

**OPTIONS:**

1. Approve staff recommendation, by passing the attached Resolution, pursuant to a 4/5<sup>th</sup> vote.
2. Disapprove staff recommendation.
3. Provide further direction to staff.

**FISCAL IMPACT:**

Based on preliminary assessment, it is estimated that the work can be carried out for about \$100,000. At this time, there are Measure AA funds allocated to Veterans Park Building that can be utilized for this purpose.

**RELATIONSHIP TO STRATEGIC GOALS:**

The issue before the Council is consistent with the Strategic Action Plan Guiding Principal "Maintain and prioritize improvements to city facilities and infrastructure in accordance with adopted master planning documents including the Green Zone Action Plan to accomplish achievable annual and long term goals."

**ATTACHMENT(S):**

Resolution.

Prepared by: Maryam Babaki, Director of Public Works and Development Services

Approved by: Maryam Babaki, Director of Public Works and Development Services

Reviewed by: Vilko Domic, Finance Director

Approved as to form: Noel Tapia, City Attorney

Respectfully submitted: Edgar P. Cisneros, City Administrator