

RESOLUTION NO. 18-34

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE,
CALIFORNIA TO DECLARE 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**

WHEREAS, Council, in abundance of caution approved closure of the Veterans Park building in February 2017 and authorized complete abatement of the building including lead and asbestos, and;

WHEREAS, In 2017, Veterans Park Building went through complete environmental abatement work that included stripping the building completely and removing all the ceiling tiles, and;

WHEREAS, 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 California Fire Code, and;

WHEREAS, 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." code and certification requirements, and;

WHEREAS, 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, and;

WHEREAS, 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.

WHEREAS, PCC section 20168 provides that in the case of an emergency a "legislative body may pass a resolution by a four-fifths vote of its members declaring

that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property.”

WHEREAS, 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.

WHEREAS, it is further resolved that City Administrator, or his or her designee, is delegated 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)).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY RESOLVE, DECLARE AND DETERMINE AS FOLLOWS:

Section 1. 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.”

Section 2. The City Council 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)).

PASSED, APPROVED and ADOPTED this 20th day of March, 2018.

Oralia Y. Rebollo
Mayor

ATTEST:

Lena Shumway, City Clerk