



Board of Education Report

File #: Rep-201-24/25, **Version:** 2
In Control: Superintendent's Office

Agenda Date: 1/14/2025

Adoption of Authorization to Execute Certain Contracts Without Advertising or Inviting Bids to Respond Effectively to the January 2025 Severe Windstorm and Fire Conditions; Resolution Declaring Emergency Conditions Exist at Los Angeles Unified Schools and Offices

January 14, 2025

Office of the Superintendent

Action Proposed:

Staff proposes that the Board of Education (“Board”) take the following actions related to the emergency conditions related to the life-threatening, destructive, widespread severe windstorm and resulting significant high risk and dangerous fire weather conditions, including active fires in and around the Pacific Palisades and Altadena/Pasadena areas (the “Severe Windstorm and Fire Conditions”) being experienced by the District.

1. Adopt a Resolution, attached hereto, declaring that emergency conditions, both structural and health related, exist throughout multiple District schools and offices (collectively known as “District Sites”) as a result of the Severe Windstorm and Fire Conditions.
2. Authorize, by unanimous vote, under the provisions of section 20113 of the California Public Contract Code, the Superintendent and/or his designee(s) to enter into any and all contracts necessary for the procurement of materials and services necessary for the District to address the emergency conditions (health, safety, and property) caused directly or indirectly by the Severe Windstorm and Wildfire Conditions as well as property damage mitigation measures (“Emergency Contracts”), without advertising or inviting bids, and for any dollar amount necessary to respond to the emergency conditions at District sites; and, notwithstanding section 20114, authorize the use of day labor or force account labor for the purpose. This delegation will expire on June 30, 2025, unless otherwise rescinded or extended by the Board of Education. Any Emergency Contracts issued shall be presented to the Board for ratification; and monthly updates shall be provided if contracts are issued.
3. Authorize the Superintendent and/or his designee to take any and all actions necessary to address the emergency conditions including giving effect to the Emergency Contracts to help ensure the continuation of public education, the health and safety of District students and staff, and the repair and restoration of District property in response to the Severe Windstorm and Wildfire Conditions.

Background:

Beginning on January 7, 2025, major wildfires, fueled by hurricane force winds, rapidly spread throughout significant portions of Los Angeles Unified. Massive devastation resulted in the impacted communities, and continues to occur in communities, homes, and schools causing Governor Gavin Newsom to proclaim a state of emergency. Fires continue to rage throughout communities containing District Sites, causing major air quality hazards, property damage, evacuation orders, the closure of District schools and offices, and strain on resources available to the District’s students and staff.

This Resolution will give the Superintendent and/or his designee(s) the ability to procure materials, resources, and services, in an expeditious manner, to address damage that has already occurred, mitigate further property damage, ensure student and staff safety, provide resources to communities within the District's boundaries, and facilitate efforts to return students to effective and safe learning environments.

Expected Outcomes:

Staff anticipates that the Board of Education will adopt the attached Resolution declaring that emergency conditions exist at District Sites and within the communities served by the District Sites. It is further anticipated that the Board of Education will authorize the Superintendent to take any and all actions necessary to procure and enter into Emergency Contracts to ensure the health and safety of students, staff, and community, and return the continuity of public education, mitigate and/or address any damage to District Sites caused by the Severe Windstorm and Wildfire Conditions. Moreover, it is anticipated that the Board will authorize the use of day labor and force account labor that may exceed the hourly and cost of materials limitations set forth in section 20114.

Board Options and Consequences:

If the Board of Education does not approve the proposed actions contained in this Board Report, staff will be unable to take immediate and necessary procurement actions to protect the health and safety of students, staff, and District Sites, and to ensure the delivery of in-person instruction. Any such contracts necessary to address the significant challenges posed by the Severe Windstorm and Wildfire Conditions over the existing delegated authority, would need to go through a bid process and Board approval.

Policy Implications:

The proposed actions are consistent with Rules 1757 and 1758 of the Rules of the Board of Education.

Budget Impact:

There will be an impact to the budget. At this time, the amount is unknown and unpredictable.

Student Impact:

This helps to protect student health and safety while ensuring the continuity of instruction in an educational environment that will help students achieve their educational goals.

Equity Impact:

None.

Issues and Analysis:

See attached Resolution.

Attachments:

Attachment A - Resolution by the Los Angeles Unified School District Declaring Emergency Conditions Exist at Los Angeles Unified School District schools and offices ("District") and Authorize to Take Any and All Necessary Actions to Respond Effectively to the Severe Windstorm and Wildfire Conditions.

Submitted:

01/14/25, Version 2

RESPECTFULLY SUBMITTED,

APPROVED & PRESENTED BY:

ALBERTO M. CARVALHO
Superintendent

PEDRO SALCIDO
Deputy Superintendent,
Business Services and Operations

REVIEWED BY:

DEVORA NAVERA REED
General Counsel

___ Approved as to form.

REVIEWED BY:

NOLBERTO DELGADILLO
Deputy Chief Business Officer, Finance

___ Approved as to budget impact statement.

AUTHORIZATION NEEDED TO TAKE CERTAIN NECESSARY ACTIONS RELATED TO THE EXECUTION OF CERTAIN CONTRACTS WITHOUT ADVERTISING OR INVITING BIDS TO RESPOND EFFECTIVELY TO THE LIFE-THREATENING, DESTRUCTIVE, WIDESPREAD, SEVERE WINDSTORM AND RESULTING SIGNIFICANT HIGH RISK AND DANGEROUS FIRE WEATHER CONDITIONS EXPERIENCED BY THE LOS ANGELES UNIFIED SCHOOL DISTRICT (LAUSD) IN JANUARY 2025; RESOLUTION BY THE LAUSD BOARD OF EDUCATION DECLARING EMERGENCY CONDITIONS EXIST AT MULTIPLE LAUSD SCHOOLS AND OFFICES (DISTRICT SITES)

Bd. of Ed. Rpt. No. 201-24/25
January 14, 2025

WHEREAS, on January 7, 2025, Los Angeles County and the District experienced life-threatening, destructive, widespread severe windstorm and resulting significant high risk and dangerous fire weather conditions, including active fires in and around the Pacific Palisades, Altadena/Pasadena, and Hollywood areas (the “Severe Windstorm and Fire Conditions”).

WHEREAS, high winds, low humidity, and dry conditions have increased the intensity and spread of multiple fires throughout communities containing District Sites, causing imminent threat to life with Red Flag warnings in effect in Los Angeles County and widespread dangerous windstorm conditions with damaging wind gusts of 50 to 80 mph;

WHEREAS, the Severe Fire and Windstorm Conditions have caused damage to several District schools and threaten to damage additional District schools, District structures, student and staff homes, and critical infrastructure, including power lines and water tanks, and have prompted evacuation orders in communities containing District Sites and the closure of District schools;

WHEREAS, strict compliance with various statutes and regulations would prevent, hinder, or delay appropriate actions to address the emergency conditions (health, safety, and property) caused directly or indirectly by the Severe Windstorm and Wildfire Conditions as well as property damage mitigation measures;

WHEREAS, it is imperative for the District to implement measures to respond to the Severe Fire and Windstorm Conditions that threaten the health and safety of students, staff, and community members as well as District Sites;

WHEREAS, under California Public Contract Code Section 20113, in an emergency, when any repairs, alterations, work, or improvements are necessary to any facility of public schools to permit the continuance of existing school classes, or to avoid danger to life or property, the board of education may, by unanimous vote, with the approval of the County Superintendent of Schools, do the following: make a contract in writing or otherwise on behalf of the district for the performance of labor and furnishing of materials or supplies for the purpose without advertising for or inviting bid notwithstanding; and notwithstanding California Public Contract Code Section 20113;

NOW, THEREFORE BE IT RESOLVED, That the Board of Education of the Los Angeles Unified School District:

- 1) Determines that the circumstances described in the Resolution herein constitute an emergency condition.
- 2) By unanimous vote, under the provisions of section 20113 of the California Public Contract Code, and subject to approval by the Los Angeles County Superintendent of Schools, authorizes the Superintendent and/or his designee(s) to enter into any and all contracts necessary for the procurement of materials and services necessary for the District to address the emergency conditions caused by the Severe Fire and Windstorm Conditions, including but not limited to contracts for materials, supplies, District Site structural repairs, damage mitigation, community engagement, as well as learning loss mitigation measures (“Emergency Contracts”), without advertising or inviting bids, and for any dollar amount necessary to respond to the emergency conditions at the District Sites; and, notwithstanding section 20114, authorize the use of day labor or force account labor for the purpose, which emergency delegation to expire on June 30, 2025, unless otherwise rescinded or extended by the Board of Education.
- 3) Authorize the Superintendent and/or his designee(s) to take any and all actions necessary to give effect to Emergency Contracts to help ensure student and staff safety, and the continuation of public education, which emergency delegation will expire on June 30, 2025, unless otherwise rescinded or extended by public action of the Board of Education.

PASSED AND ADOPTED by the Governing Board of the Los Angeles Unified School District at 333 South Beaudry Avenue, Los Angeles, California, on January 15, 2025 by the following vote:

AYES:_____ NAYS:_____ ABSENT:_____ ABSTENTIONS:_____

Scott M. Schmerelson
Board President

(STATE OF CALIFORNIA) (SS. COUNTY OF LOS ANGELES)