



# Santa Barbara County Education Office

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Susan C. Salcido, Superintendent of Schools

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March 12, 2021

SBAS-9406

TO: K-12 School Districts  
Community Colleges  
Santa Barbara County SELPA  
County Education Office — Internal Services

ATTENTION: Chief Business Officials  
Accounts Payable Departments  
Purchasing Departments

FROM: Todd Humphreys, Financial Systems Supervisor

SUBJECT: **Emergency Resolutions - 2021**

When an emergency exists in your district, your governing board may enter into a contract without bidding and advertising as required by law even though the contract exceeds the bid thresholds of \$15,000 for a public project or \$96,700 for purchases, services, and repairs for calendar year 2021. This may be done only if specific criteria are met.

Adoption of an emergency resolution by your governing board *and* approval by the county superintendent of schools is required pursuant to Public Contract Code §20113 for K-12 districts or §20654 for community colleges.

The emergency provision only provides relief from bidding and advertising and not from obtaining the written contract, necessary bonds, certificates of insurance, change orders or any other required documentation or procedures.

Attached are emergency resolution guidelines, an emergency resolution template, and sample emergency resolutions.

If you have any questions, please call me at extension 5372.

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attachments

### **Emergency Resolution Guidelines**

1. There must be an emergency. An emergency exists when any repairs, alterations, work, or improvement is necessary to permit the continuance of existing school classes, or to avoid danger to life or property pursuant to Public Contract Code §20113 for K-12 districts or §20654 for community colleges.
2. A school or community college district board may declare an emergency by unanimous vote and pass an emergency resolution to award a contract without advertising for bids. The county superintendent must *also* approve this resolution.
3. When preparing your resolution, provide a thorough description of the emergency and circumstances surrounding it. State why the standard bidding process cannot be utilized. Do not assume what seems obvious to you as an emergency is obvious to a vendor who feels they should have been given an opportunity to bid on work done or purchases made. Ask yourself if a reasonable person would agree that there is an emergency. Cite in your resolution at least one of the reasons listed under Public Contract Code §20113 or §20654.

Consider the following issues and respond to the applicable items within the resolution. Be sure to include supporting documentation for your board. The items listed below are not meant to be all inclusive:

- What is the emergency? Describe in detail what happened, when, and where.
- Why is this an emergency? Explain the consequences if your district does not immediately make the repairs or purchase.
- Is there danger to life or property?
- Are there immediate safety or health issues for staff and students?
- Is there a financial impact to your district? Can school begin or continue? Would there be a loss of ADA?
- Are there available classrooms to move students into while waiting to go through the standard bid process and/or while work is being done?
- Is timing critical? Explain the consequences if you went through the standard bid process instead of using the emergency provision. State how many weeks it will take to go through the bid process and the time needed to complete the repairs.

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4. In the past, our office has received late notification and emergency resolution language that is too vague. Please notify School Business Advisory Services as soon as possible after the emergency and fax or email a copy of the draft resolution that you plan to present to the board.
5. Our staff will review your resolution for completeness and assist you with any changes or additions needed to clearly document the specific facts surrounding your district's emergency under Public Contract Code §20113 or §20654. This will expedite processing by the county superintendent.
6. After your board passes the emergency resolution, send the original copy to our office for the county superintendent's approval. We will forward the resolution for review and notify you if it is approved.

~~ Emergency Resolution Template ~~

Award of Contract without Bidding and Advertising

\_\_\_\_\_  
District

The governing board, at a meeting held \_\_\_\_\_, pursuant to Public Contract Code §20113 for K-12 districts or §20654 for community colleges, unanimously resolved by vote of all members present, and constituting a quorum, that an emergency exists, per Public Contract Code §1102, wherein 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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The board, therefore, declares an emergency and with approval of the county superintendent of schools authorizes the district business manager to enter into a contract that may include additional work required by local and state agencies.

The estimated cost to resolve this emergency is expected to exceed \$15,000. This resolution does not set aside any bonding or security otherwise required by law.

Passed and adopted \_\_\_\_\_ by the following vote: Ayes \_\_\_\_\_ Noes \_\_\_\_\_ Absent \_\_\_\_\_

Certification of the Secretary/Clerk of the Board

Approved by the County Superintendent of Schools

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

~~ **EXAMPLE** ~~

Emergency Resolution  
Award of Contract without Bidding and Advertising

Oak Valley Union High School District

The governing board, at a meeting held February 28, 2016, pursuant to the Public Contract Code §20113 unanimously resolved, by vote of members present, and constituting a quorum, that an emergency exists wherein certain repairs, alterations, work, or improvements are necessary to permit the continuation of existing school classes, or to avoid danger to life or property, as described in detail below:

On February 23, 2016, a severe rain and windstorm swept over the community causing significant damage to district's facility. Ten buildings sustained substantial roof damage and required emergency, temporary repair. The temporary repair measures are not adequate, and we must take immediate action to prevent further damage to avoid danger to life and property. The damaged roofs have allowed water into classrooms rendering them unusable and unsafe for staff and students. There is falling debris from the damaged roofs and ceilings and it is not safe to use the specialty electronic equipment housed in the classrooms. The computer, photography, and driver education classrooms are very specific in use and duplicate equipment and network connections cannot be provided elsewhere on campus; no other classrooms are available. In order to continue classes and to avoid danger to staff and students, it is essential to begin work immediately to repair damaged roofs, ceilings, walls, and electrical lighting fixtures.

The board, therefore, with the approval of the county superintendent, declares an emergency and authorizes the district business manager to enter into a contract for repairs and any other work local and state agencies may require to avoid danger to life and property and to permit the continuation of existing school classes.

The estimated cost is expected to exceed \$15,000. This resolution does not set aside any bonding or security otherwise required by law.

Passed and adopted February 28, 2016, by the following vote: Ayes 6, Noes 0, Absent 0.

Certification of the Secretary/Clerk of the Board

Approved by the County Superintendent of Schools

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

~~ **EXAMPLE** ~~

Emergency Resolution  
Award of Contract without Bidding and Advertising

Pacific Coast Community College District

The governing board, at a meeting held July 6, 2016, pursuant to the Public Contract Code §20654 unanimously resolved, by vote of members present, and constituting a quorum, that an emergency exists wherein certain repairs, alterations, work, or improvements are necessary to permit the continuation of existing school classes, or to avoid danger to life or property, as described in detail below:

The Science Building air conditioning unit has ceased working. Estimates to repair the unit are higher than replacement costs. All rooms, including classrooms, in the building rely solely on the air conditioning unit for ventilation and circulation. Some of the classrooms do not have windows or have sealed windows that cannot be opened. Lack of adequate ventilation will cause a safety issue for staff and students as temperatures within the building will exceed 100 degrees in the upcoming weeks. Because the science classrooms are specific in use and due to the lack of other available classrooms in which to move the students, the air conditioning unit must be replaced in order for classes to continue without interruption during summer session. Following the standard bid process will seriously impact the district's ability to conduct summer school classes in Science Building would mean that the air conditioning unit would not be installed until late summer. The bid process takes at least 3-4 weeks to advertise and award a contract, plus the additional time of six or more weeks for a vendor to deliver and install the air conditioning unit.

The board, therefore declares an emergency and with the approval of the county superintendent of schools authorizes the district business manager to enter into a contract to replace the air conditioning unit and all work required by local and state agencies to avoid an unsafe respiratory environment and to permit the continuation of classes.

This resolution does not set aside any bonding or security otherwise required by law. The estimated cost is expected to exceed \$15,000.

Passed and adopted July 6, 2016 by the following vote: Ayes 6, Noes 0, Absent 0.

Certification of the Secretary/Clerk of the Board

Approved by the County Superintendent of Schools

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date