




SAN DIEGO COUNTY OFFICE OF EDUCATION

6401 Linda Vista Road, San Diego, CA 92111 • 858-292-3500 • www.sdcoe.net
Randolph E. Ward, Ed.D., Superintendent of Schools

Topic: Emergency Waiver Projects

Date: July 16, 2015

To: Chief Administrative Officers
Chief Business Officials
Purchasing Officers

From: Brent Watson, Executive Director
District Financial Services 

Requests for emergency waivers have been received months after an incident has occurred and work is completed. As a result, we are reemphasizing that requests for emergency waivers must comply with the Public Contract Code in order to be deemed valid. Below is information that was originally provided in the March 2015 Insights newsletter. Please review the requirements carefully. Any requests that are not processed promptly will be rejected.

Emergency Agreements for Public Works Projects are required to follow the guidelines established in Public Contract Code 20113 and 1102.

Things to remember:

1. The incident must be sudden and unexpected.
2. Pose a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.
3. The Governing Board may enter into a contract with the approval of the County Superintendent of Schools.

Districts should immediately notify Lora Duzyk via email of the incident. Districts should obtain a verbal or emailed approval to proceed with the work prior to contracting or complete only the work that is required to mitigate the danger to life or property. A letter outlining the details of the incident and requesting the County Superintendent of Schools to approve a waiver of the competitive bidding requirements should be sent shortly after the occurrence.

SB 854 requires that any work performed on a public site be performed by registered contractors. Districts will need to ensure that contractors possess a state contractor's license as well as a DIR number prior to performing the emergency work.

CUPCCAA Districts:

Public Contract Code 22035 and 22050 govern emergency procedures for CUPCCAA districts. In the case of an emergency, CUPCCAA districts may, by four-fifths vote of its governing body, 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.

The Board must make a finding, based on substantial evidence set forth in the minutes of the meeting, that the emergency will not permit a delay to allow for a competitive solicitation for bids, and that the action is necessary to respond to the emergency.

The Board may also delegate the authority to order any action authorized in the case of an emergency by resolution and a four-fifths vote.

For information, contact Guiselle Carreon at guiselle.carreon@sdcoe.net.