

## **CASH Webinar**

### **The Governor's Order Construction Project Delays and Paying Contractors During the Coronavirus Crisis**

#### **MEMORANDUM**

To: CASH Members

Date: April 7, 2020

From: Julie Arthur, CASH Chair, Palms Springs USD

RE: Questions from the Chat Box of April 2, 2020 Webinar #2: **The Governor's Order, Construction Project Delays and Paying Contractors During the Coronavirus Crisis**

Attached are the questions and comments from the Chat Box of the April 2, 2020 CASH Webinar. The Webinar is available for viewing or listening on the CASH Website for our members that missed it or for those interested in viewing or listening again.

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CASH (11:00 AM): Thank you all for attending - Julie Arthur, CASH Chair, will start us off...

Ann loorz (11:07 AM): FUSD is here :)

Nancy Bartolo (11:07 AM): HBCSD HERE TOO

Timmy (11:07 AM): LBUUSD <3

Lisa Hendrix (11:08 AM): Beaumont USD here: We are in the middle of receiving bids for a 2:00 bid opening today. We will be live streaming the bid opening using Google Hangouts.

Jake (11:08 AM): Aren't these face mask issues recommendations, and not legal mandates? Even the Governor's "order" was a recommendation, correct? No legal mandate, correct.

Jeremy Cogan (11:08 AM): SAUSD is here.

Yvan Schmidt(11:08 AM): Since one of the moderators is from LBUUSD, which just indicated that schools would not re-open until next school year, have they given any consideration to starting Summer projects earlier than June, to get a longer period of performance without children on campus, and have any other Districts given this any consideration?

Chris Delehanty (11:09 AM): Yes, governor's recommendation wasn't an executive order.

Jeremy Cogan (11:09 AM): Santa Ana has already begun accelerating some summer project work to take place now.

Gil Fullen (11:10 AM): Yes, Yvan, some districts are already reaching out to see if we can start earlier. We have heard from two LA Districts...



Mariana Alvarez Parga (11:10 AM): MADI 19six Architects is here

Anazele Gonzalez (11:12 AM): We have a contractor who pulled out of a job after he was board approved due to lack of man power because of Covid-19. What is the recommendation in this instance?

Roxanne (11:13 AM): Can he also speak to the most recent rulings that came out yesterday for Sonoma county and other areas that redefines construction work as essential construction?

Roxanne (11:14 AM): Should have said the updates yesterday are more restrictive for allowing construction as essential work

Anazele Gonzalez (11:16 AM): I remember reading that we should identify essential project. Does this mean projects that are not in construction should be stopped?

Jason (11:17 AM): Does it have to be the district boards, or can the Superintendent do it themselves, as a board mtg. might not be available?

Katy Wright (11:17 AM): Anyone have a sample resolution

Anazele Gonzalez (11:17 AM): Do we need to name all the projects?

Jason (11:17 AM): Ah, thanks for the answer.

Anazele Gonzalez (11:18 AM): Yes, please a sample resolution would be helpful.

Lisa Hendrix (11:18 AM): Will CASH be providing a sample resolution?

Judith Reece (11:18 AM): can we get a copy of a sample resolution?

Dennis Snelling (11:18 AM): We are taking a resolution to our Board tonight.

Eryn Ogren (11:18 AM): yes agreed, a sample resolution would be helpful

Jason (11:19 AM): Sample resolution has been requested multiple times?

Nancy Bartolo (11:20 AM): Do you have information on these various protocols?

Tatum Toste (11:21 AM): Our agreement does not contain a Force Majeure clause, could a contractor still use it as an excuse?

Jordan Kohler (11:23 AM): How do we deal with public utilities that are dreaming our projects non-essential thus not supporting the project and causing delays?

Anazele Gonzalez (11:24 AM): I was told bid openings virtually was acceptable

Jason (11:24 AM): HUSD held a very successful virtual bid opening.

Jason (11:24 AM): Last week.

Lisa Hendrix (11:24 AM): Good question Jordan--Edison has already sent a video that non-emergency projects may be delayed.

Anazele Gonzalez (11:24 AM): We already held one, and 2 more in the future

Jason (11:25 AM): They were opened live in public on Hangouts Meet.

Joanne Branch (11:25 AM): Can't bids be received electronically?

Jordan Kohler (11:25 AM): I am experiencing it with PG&E on 2 projects

Adam (11:25 AM): How about mandatory pre-bid job walks during the bid process?

Jason (11:26 AM): The issue is that you have to get projects to bid NOW, if you want to get them started for summer.



Katy Wright (11:26 AM): We bid a project and got 40 walkers

Jason (11:26 AM): We've seen no issues with the volume of bids we have been receiving.

Jake (11:26 AM): We have had an increase in bid participation in Moreno Valley

Joanne Branch (11:26 AM): If you award, use allowance and include paragraph/language for negotiated impacts of supply change and cost changes of materials!

Jason (11:26 AM): Must be a local problem.

Dr. June Francis Rono (11:26 AM): We are actually getting a lot of submitted bids for our school district clients.

Dr. June Francis Rono (11:28 AM): Given the economic impacts of this situation, we have a lot of contractors who would like to secure work for their companies/employees. With more interests, we are seeing very good pricing as well.

Virginia Boyce (11:28 AM): Do you have samples of resolutions?

Jason (11:28 AM): True, Dr. Roño!

Lisa Hendrix (11:28 AM): We have already received 15 bids for a livestream bid opening today at 2

Jason (11:28 AM): Thanks, Lisa, great to hear.

Mark Fall (11:28 AM): I am not aware of anything in the Public Contract Code requiring school district's to "publicly" open bids. Section 10341 of the Public Contract Code requires state government entities to publicly open bids. However, this does not apply to school districts.

Karl J Schultz (11:29 AM): How are delays associated with the current lack of available PPE including face masks, hand sanitizer, etc. being handled? Are District's being creative with procurement of these items for their projects that may not be available outside of government procurement?

Jake (11:29 AM): If schools are essential, how can some contractors walk away?

Khary Knowles (11:29 AM): Can an argument for "essential" be that schools are community emergency facilities?

Rick (11:30 AM): With schools now being 'closed' and no students on site will District take advantage and allow summer project to start, especially with some requiring much disruptive demo work. Seems we should take advantage now.

Desiree Haus (11:30 AM): good point Khary

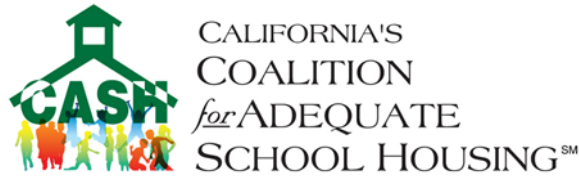
Jason (11:31 AM): So, it sounds like it really depends on the complexity and size of the projects. A whole new school could be a "long beach" problem, but a new roof seems to be getting a lot of responses as contractors want to stay busy.

Jake (11:31 AM): That's what Moreno Valley is doing, Rick.

Erin Hirst (11:31 AM): Lisa Hendrix - are you having contractors submit bids on-line or in some digital manner? If so, please share the process if possible. Thx

Leeann Errotabere (11:32 AM): Please provide attendees copy of Essential Project Resolution taken to your Board

Julie Williams (11:32 AM): Famous statement from Lettie Boggs, "Never waste a good crisis to take advantage to get done what needs to be accomplished and be innovative at the same time."



Wesley King (11:32 AM): Are architects and engineers considered essential to support the construction projects?

Evan Adams (11:33 AM): AIA East Bay said no yesterday Denise Youmans (11:33 AM): Would CASH or other organizations approach GOv or municipal orgs to secure schools priority when normal processing re-opens?

Peggy Garispe (11:34 AM): Will CASH be sharing a sample board resolution?

John Van Winkle (11:35 AM): Yesterday, Mayor Eric Garcetti ordered LADWP to shut-off water and electricity to "non-essential" businesses. Does anyone know if that does or will affect businesses in the supply chain? Also, while specific to the City of Los Angeles, could this same action spread to other metro areas or regions?

Matthew Belasco (11:35 AM): Can we get a copy of these slides?

Nancy Bartolo (11:36 AM): Can you please elaborate on the "snitches" clause?

Virginia Boyce (11:36 AM): Do you have a sample for of the "designated responsible person"?

Virginia Boyce (11:36 AM): \*Form

Elizabeth McClanahan (11:37 AM): Do/Can we have a link to the PowerPoint?

CASH (11:38 AM): Hi Elizabeth - yes, the PPT will be sent out in a Thank You email as well as posted on the CASH Website. Thank you.

Ann loorz (11:38 AM): ditto, not printing well from the screen

Sylvia (11:40 AM): What read commitment are we getting from DSA to move project forward faster?

Kathleen Moore (11:42 AM): Call in numbers again please.

Liliana Bustos (11:42 AM): 18883924560

CASH (11:42 AM): 1-888-392-4560 PIN 33938

Margrit Sigrist (11:42 AM): Call: 1-888-392-4560PIN: 33938

Scott Burkett (11:43 AM): How can our Firm obtain a copy of today's presentation? Please advise.

mike galis (11:43 AM): Is anyone seeing contractors not showing up to work. I heard it can be up to 25%

Jake (11:46 AM): If schools are essential facilities, is it not an important distinction that construction must move forward, not that it can move forward?

David Daniels (11:47 AM): I know most districts have custodial staff working, but how many have their maintenance staff working? We are bringing folks in on an emergency basis. It would be nice to get caught up on backlog, but many of these items are not emergencies.

Joanne Branch (11:47 AM): Backup inspector? DSA quick turn-around for if architect or PI is sick?

Jason (11:48 AM): The issue won't be labor, but more supplies.

Natassia Melendrez (11:49 AM): Yes! I heard testing labs are having an issue with this such as welding inspections.

Jason (11:49 AM): Was at Home Depot this morning, and things seem to be ticking along pretty well there. :)

Jake (11:49 AM): Is there any liability on a District if a construction worker contracts COVID 19 at the job site, and dies?



Natassia Melendrez (11:49 AM): How can they inspect the welds while "distancing"

Rick (11:49 AM): Alan mentions that AOR's will not be 'required to perform their normal site visits but, they are required to sign off on pay app submittals so how will release of payments to contractors be addressed?

Joanne Branch (11:50 AM): Can we get a copy of the chat? Has good thoughts to think about, too.

Lisa Hendrix (11:50 AM): We have received approved from RCOE and legal to use Adobe sign to process our pay apps.

Anazele Gonzalez (11:50 AM): We already started signing electronically.

Brian Browning (11:51 AM): At Grossmont-Cuyamaca CC District we process all pay applications digitally.

Scott Hammond (11:51 AM): we have seen electronic signatures used in the interim.

Natassia Melendrez (11:51 AM): YES! Thank you so so so so much!

Anazele Gonzalez (11:51 AM): If we have a "shelter in place" order we cannot bring in classified staff to process payments.

CASH (11:51 AM): Hi Joanne - yes, the chat will be downloaded. We will then post the discussion to the CASH COVID-19 Resource Page. Thank you.

Joanne Branch (11:51 AM): You only legally need one district manager to sign for payment. The rest are best practice.

Evan Adams (11:51 AM): will audio be downloadable?

Joanne Branch (11:51 AM): Or district policy

CASH (11:52 AM): Yes - the audio will be posted to the same place, the CASH COVID-19 Resource Page. Thank you, Evan.

Anazele Gonzalez (11:52 AM): Joanne -electronically or wet sig?

Joanne Branch (11:53 AM): electronically

Joanne Branch (11:53 AM): sign and scan

Joanne Branch (11:53 AM): retain the original just in case until all payments made

Brian Browning (11:54 AM): My company (Gafcon) has had to employ our own cleaning services for our field offices at Grossmont and Cuyamaca Colleges.

Jon (11:55 AM): Food trucks onsite... Yay or Nay?

David Daniels (11:55 AM): Lisa H., how are maintenance staff being put to work at BUSD? As needed? I know it's a different dept., but I thought you might know. Thank you.

Rick (11:55 AM): We have elected to not allow food trucks.

Franklin Dickinson (11:55 AM): In talking about payments, there is the major question of how the contracts would require the contractor to change to all the new safety protocols; shouldn't this be added cost and thus due to be paid as change orders? What about lessening work efficiencies and added costs such encumbered?

Julie Muljat (11:57 AM): Someone needs to mute their mic

Jeremy Cogan (11:58 AM): Given recent comments by Mayor of LA, etc., should contractors be wearing masks on site?



Evan Adams (11:59 AM): What about indoors? Lots of postings outside & trailers; but, inside buildings have a LOT more high touch areas.

Anazele Gonzalez (11:59 AM): got it. thanks

Michael (12:01 PM): Because school projects are designated as essential and can progress, wouldn't it be socially responsible to press projects forward to support the local economy and the State communities at large rather than hold back which would be an additional drag on the overall economy?

Evan Adams (12:04 PM): Michael, no. It would be irresponsible unless necessary.

Tova (12:04 PM): Can you please share the questionnaire?

Jake (12:05 PM): I disagree with Michael; work should be accelerated.

Sergio san martin(12:06 PM): Please provide copy of the presentation. thank you

Jake (12:06 PM): Sorry, I disagree with Evan.....

Nina Straub (12:06 PM): will this power point be available?

CASH (12:07 PM): Hi Nina - yes. A PDF of this presentation, as well as a recording will be sent out to attendees as well as posted on the CASH Website. Thank you.

RICK ARIAS (12:08 PM): Thank you CASH!

Abel Guillen (12:09 PM): Thank you!

Nancy Bartolo (12:09 PM): Thanks to all. Extremely informative.

Rich Moore (12:09 PM): Could we get a file with the chat string? Some great insight here!

Lisa Hendrix (12:10 PM): Thank you for making time to keep us informed! You are all appreciated!!!

Roy Rodriguez (12:10 PM): Thank you!

Jake (12:10 PM): The recession isn't looming.... it's upon us!

Natassia Melendrez (12:10 PM): THANK YOU CASH! I appreciate you!

Katy Wright (12:10 PM): thanks, this was helpful

Gaby (12:10 PM): You can email the chat history by clicking on type right corner

Jasmine (12:10 PM): Excellent content, thank you for the information.

Angela Banuelos (12:10 PM): Thank you

Franklin Dickinson (12:10 PM): Thanks to all; very informative

Khary Knowles (12:10 PM): Thank you!

mike galis (12:10 PM): Great Information Helpful

Jake (12:10 PM): Thanks

TOMMY AGUILERA (12:10 PM): Thank You

John Van Winkle (12:10 PM): Thank you!

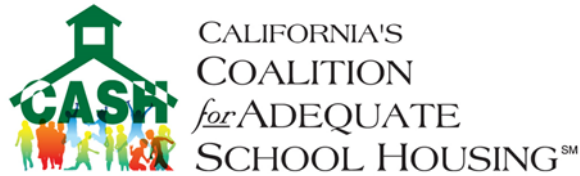
Keith Matsuo (12:10 PM): Thank you!

Brian Browning (12:10 PM): Good info. Thank you.

Jason (12:11 PM): Good meeting.

Terri Bell (12:11 PM): Thank you!

Liliana Bustos (12:11 PM): Thank you CASH, very informative!



Elizabeth McClanahan (12:11 PM): Thank you. Great information.

Joanne Branch (12:11 PM): Provide a paragraph for contract inclusion for ease of negotiation of impacts of market changes during construction

Julie Williams (12:11 PM): Thank you. Good info and presentation.

Linda da Silva (12:11 PM): Good info - thank you!

***Disclaimer About Event Materials:*** The presentation materials utilized for this event were prepared by individual presenters. As with all CASH events, the presentation and materials are not intended to constitute legal advice. School district and county office of education personnel should consult with legal counsel for advice on specific issues and applications of any laws.

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