

Memorandum

TO : Lewis Dean, Manager
Capital Outlay Section, Project Management Branch
Department of General Services

FROM : Liz Houser, Deputy Director
Administration Department 

DATE: November 13, 2008

SUBJECT : **450 N Street Building Follow Up**

During the last couple of weeks, The Board of Equalization (BOE) has been indirectly notified that the Department of General Services (DGS) has discovered areas which require immediate investigation and testing for fungal growth. In order for us to keep our employees informed and allow our consultants to evaluate and advise us on health and safety issues, we must receive direct notification of activities occurring or planned in our 450 N Street headquarters building." Good communication between BOE and the DGS is critical to the success of the projects underway at the 450 N Street building.

A key component of this communication is to have DGS and its consultants continue to follow our previous procedures regarding work in the 450 N Street building. Those procedures, instituted more than a year ago when work began on this building include:

- Description of the situation. Is it an emergency or is it simply in need of further investigation or remediation?
- A schedule which includes dates and estimated times for the investigation and repair work to occur.
- The impact on BOE employees who are located in or around the work area. Will they need to be moved? Or will services be reduced (e.g. no water in break rooms)?
- Testing information, results and reports shared with Hygiene Technologies International (HTI) for their review, and with BOE for posting to our website.
- Establishing protocols to be followed for each area of remediation or investigation, including information regarding containments. This information is to be shared with employees and posted to our website.
- Notification of completion of work.
- Clearance protocols, testing for appropriateness for re-occupancy.
- Notification of staff and posting of information by BOE.

As DGS and its consultants continue the investigation work in the building, DGS has indicated that some of this work may need to be performed on occupied floors. If this work involves construction of containment areas that could be considered "Remodeling/Renovation and Repairs" pursuant to Union contract Article 10.27, this may require a 30 day advance notice prior to the commencement of any construction related work. In addition, if we need to temporarily relocate employees, we would need appropriate work schedules and scope of work information in order to notify our employees and we would need to provide a courtesy notice to the Unions.

There are several outstanding items that BOE would appreciate receiving additional information/clarification on, these include the following:

Elevator Shaft Inspections:

- BOE has authorized DGS and its consultants to construct containments and perform elevator shaft inspections on **unoccupied floors** which currently include floors 22, 23 & 24 **only**.
- DGS has agreed to allow BOE's consultant, HTI to observe these inspections. For the purposes of these inspections, Wes Frey and Larry Sandhu have been identified as HTI representatives.

11th Floor Elevator Shaft and Ceiling Plenum Inspections:

- DGS has indicated that its consultants require access to the elevator shafts and the plenum above the ceiling on the 11th floor in order to perform investigation, inspection and testing.
- BOE considers this to be an occupied floor as it is the cross-over floor for the high and low rise elevators and serves as the "rally point" for upper floors during an evacuation.
- In order to allow this investigation, inspection and testing, BOE is willing to close the floor to its staff for up to **10 working days**. Before BOE can do this, BOE will need to amend our Emergency Evacuation plan, have it approved by the State Fire Marshall, notify the impacted employees and post the amended plan on its website. BOE is working to complete these amendments to the evacuation plan as soon as possible and hopes to have a status report for DGS by November 14, 2008.
- Pending State Fire Marshall approval of the amended evacuation plan, DGS has identified November 17 – December 2, 2008 as the **10 working days** they would like to have access to the 11th floor.
- DGS will need to provide a separate State Fire Marshall approved plan and protocol that will facilitate the temporary closing of this floor to BOE employee's while preserving the required egress for the consultants who will be working on the floor (specifically the doors to stairwell access must be addressed).

5th & 6th Floor Remediation Work

- DGS and its consultants have determined that containments need to be built so the areas on the 5th & 6th floors can be further investigated and remediated. In the Construction Update meeting on 11/12/08, DGS indicated they have not made a determination on when future activities will begin on these areas. In the interim, DGS is to provide written confirmation from their consultants that the rooms are safe for BOE employees to use on a daily basis.
- Once DGS has decided to proceed with work on these rooms, please confirm that previously approved protocols established for work already accomplished on occupied floors will be followed. In order to assure

there are no health and safety risks for our employees, BOE requests that DGS provide a written procedure, protocol and timeline for addressing the issues at hand and that any test results be shared with BOE so its consultant, HTI, can review this data prior to the start of work. Once BOE is given the requested information we can notify its employees and post the information on its website.

- One of the areas identified is a storage room that contains equipment that is critical to the business functions performed by BOE's Technology Services Division. BOE will need to remove the equipment from this room so appropriate BOE staff may continue to have access to it. BOE has asked HTI to assist in the coordination of the removal of this equipment so that BOE may ensure the health and safety of BOE employees throughout the process.
- Once the room is empty, BOE will turn it over to DGS for the needed work.

Investigation on Occupied Floors

In order to facilitate the expeditious completion of the Water Damage Assessment Survey of the 450 N Street building, BOE has agreed to allow DGS' consultants, LeCroix Davis, to perform visual inspections above the ceiling tiles on occupied floors, under the following conditions:

- All work will be performed after hours and on weekends.
- BOE will be provided adequate notice to allow for proper notification of our employees and their Union representatives.
- The State Fire Marshall will provide written authorization for the work to be performed on occupied floors.
- LeCroix Davis will provide BOE's consultants HTI with a reasonable work plan and schedule for their activities, so they can plan accordingly.
- BOE will provide DGS with a list of high-security areas in the building that require consultants to be escorted by BOE staff. DGS will work with BOE and LeCroix Davis to arrange the needed escorts.
- Wherever possible, DGS and LeCroix Davis will adjust inspection schedules to accommodate BOE's tax collection rush periods to avoid having inspections occur on floors where mandatory overtime work is required.

Coordination with HTI

- DGS and its consultants agree to recognize HTI as the agent for BOE that is responsible for providing advice regarding the health & safety of BOE employees.
- DGS and its consultants will provide HTI with information on all investigations, inspections, testing, results and work to be performed in the 450 N Street building so HTI can provide recommendations to BOE on the best way to allow the activity to proceed in a manner that protects the health & safety of BOE employees.
- When requested, HTI will be allowed to observe investigations, inspections and testing being performed by DGS consultants.

Bob Bowen, DGS Project Director, has indicated that working after hours and on weekends for the elevator shaft exterior containment construction and required destructive shaft testing is burdensome and will significantly increase the overall cost of the project and impact the completion schedule. BOE agrees that after hours work greatly impacts both cost and project scheduling. However, BOE's business operations must not be interrupted so the state's revenue can continue to be processed. Quite often, BOE employees must work overtime to ensure the timely collection of taxes. BOE requests that DGS and its consultants continue to be respectful of BOE's business needs and conduct all necessary work when the building is not occupied. I will be happy to work closely with you to establish a work schedule.

Additionally, DGS has said it does not anticipate its consultant, LaCroix Davis, to have a written investigative report specific to elevator shaft inspection and destructive testing for BOE review until late December 2008. It will be very difficult for BOE to develop a re-occupancy plan for the upper three floors without this report.

Please provide the above information before beginning additional destructive testing on occupied floors. BOE looks forward to working cooperatively with DGS on this latest set of important issues. Please contact me directly at (916) 445-4272, if you have any questions or require additional information.

LH:lk

cc: Ramon J. Hirsig
David Gau
Charlene Yount
Kenny Hsi, HTI
Jim Martone, Department of General Services