



November 14, 2008

Ramon J. Hirsig, Executive Director
State Board of Equalization
450 N Street
Sacramento, CA 94279-0073

**BOARD OF EQUALIZATION (BOE) BUILDING –
OCCUPANCY OF THE 23RD AND 24TH FLOORS**

Dear Mr. Hirsig:

I write in response to your October 30, 2008, letter to Department of General Services (DGS) Director Will Bush regarding BOE's re-occupancy of the 23rd and 24th floors. As indicated in my October 17, 2008, letter, all remediation and re-construction activities on the 23rd and 24th floors are complete and both BOE's consultant, HTI, and DGS' consultant Bipax agree these floors may be reoccupied.

With respect to your request for a detailed report on the nature and scope of the remediation that has occurred on the 23rd and 24th floors, information regarding the scope of work, testing and results, as well as selected photographs, necessary to compile such a report have regularly and consistently been provided to BOE and HTI as DGS' testing and remediation activities have progressed. Additionally, HTI has conducted independent sampling, been provided BioMax's sampling reports, reviewed and approved remediation protocols, observed remediation work, and conducted clearance testing. Given that this information has been shared with BOE throughout the remediation process, we don't perceive a need for the DGS to compile the requested report. We are checking our files and will provide to BOE copies of any additional photographs we may have in about a week.

As for the DGS' participation in "town hall" meetings, we've previously shared information with BOE and its employees, and we will continue to do so to the extent we can.

Regarding your concerns about occupying the 23rd and 24th floors during the removal and replacement of fire proofing material on the 22nd floor, I am informed the State Fire Marshal does not view the fire proofing work as raising any safety issues. The 30-day temporary occupancy to which you refer is unrelated to the fire proofing issue. The temporary occupancy was issued to permit re-occupancy of the 23rd floor while the DGS

addressed minor deficiency items. Now that those deficiency items have been resolved, the State Fire Marshal has issued a Certificate of Occupancy, permitting unlimited occupancy of the 23rd floor, as well as the 24th floor.

As you indicate in your correspondence, it is anticipated that LaCroix Davis' elevator shaft inspection and proposed remediation report will be completed by December 20, 2008.

The DGS believes that an appropriate walkthrough of the 23rd and 24th floors has already occurred and the necessary punch list items have been completed. These floors remain available for occupancy by the BOE.

In your September 9, 2008 letter, BOE requested that the DGS follow HTI's clearance protocols and perform additional cleaning in various areas on the 22nd floor. In the spirit of cooperation, we met with BOE staff and HTI and clarified the HTI clearance protocols. Thereafter, we complied with both requests and HTI cleared the areas. It appears your reference to a September 29, 2008, letter should have been to a September 19, 2008, letter from the BOE pertaining to HTI's clearance protocols, discussed above, and requesting information regarding LaCroix Davis' preliminary elevator shafts inspection. We have previously provided this information to BOE. LaCroix Davis' anticipated report will provide additional information.

Finally, the DGS has provided BOE with information concerning the remediation on a regular basis so that BOE could keep its Board members and employees apprised of the progress, and we will continue to do so. I want to assure you, and all the staff at the BOE, that DGS is committed to the timely completion of the remediation work at the BOE building.

Sincerely,

DOUG BUTTON
Deputy Director

cc: Will Bush, Director