



November 26, 2012

Honorable Board of Supervisors
County of Alameda
1221 Oak Street, Suite 536
Oakland, California 94612-4305

Dear Board Members:

SUBJECT: APPROVE EMERGENCY PURCHASE ORDER GENSA 28028 AND AUTHORIZE THE AUDITOR-CONTROLLER TO PAY BELFOR PROPERTY RESTORATION FOR FLOOD CLEANUP AND REPAIR SERVICES IN THE CLASSROOM, RESTROOMS AND OFFICE AREAS OF THE REGISTRAR OF VOTERS WAREHOUSE AT 8000 CAPWELL DRIVE, OAKLAND, CA, IN THE AMOUNT OF \$54,820.14

RECOMMENDATION:

Approve Emergency Purchase Order GENSA 28028 and authorize the Auditor-Controller to pay Belfor Property Restoration, (Scott Rego, Owners Representative) Hayward, California, for flood cleanup and repair services in the classroom, restrooms and office areas of Registrar of Voters warehouse at 8000 Capwell Drive, Oakland, California, in the amount of \$54,820.14 which will be reimbursed by Landlord through abated rental payments.

DISCUSSION/SUMMARY:

On July 28, 2012, the sewer overflowed in three of four restroom areas in the Registrar of Voters' (ROV) warehouse. Approximately 3,317 square feet of carpeting in the training room, office area and restrooms were contaminated. The Landlord, Capwell Investment Group, LLC, was contacted on July 29, 2012, and informed of the flood as the Landlord was responsible for such maintenance and repairs. The Landlord requested Belfor Property Restoration be contacted for the work as it had satisfactorily remediated an overflow incident a year earlier and was familiar with the ROV space. On July 30, 2012, affected office furniture and computers were relocated into the unaffected part of the warehouse in order to continue ROV daily office operations. Belfor commenced clean-up work on July 31, 2012, including wet-vacuuming contaminated areas, removal of the contaminated carpet and installing fans and dehumidifiers throughout the classroom and office area, and removing and disposing of wet carpet and other floor covering, drywall in the office and classroom area and in three of the four restrooms. Belfor was also

instructed to replace the flooring and broken toilet in the fourth remaining restroom in order to maintain functionality at the warehouse. The Belfor contract was forwarded to the Landlord for signature on July 30, 2012, which the Landlord had verbally promised to execute and return the same day via fax. No approved contract between the Landlord and Belfor was ever returned, and the Landlord has subsequently failed to return numerous telephone calls and e-mails from both Belfor and GSA.

In the following week, it was discovered that the landlord was in default with its lender and a notice of sale was posted at the property, giving clear indication that the Landlord was not going to execute the Belfor contract. GSA notified the Landlord that it was in default of the lease agreement with the County and outlined the steps the County would take in self-help to remedy the situation. This included withholding rent to pay for all costs associated with the cleanup, remediation of the premises, asbestos abatement necessary in the course of the remediation, and charging an administrative fee of 15%, as permitted under the lease agreement.

As such, GSA issued Emergency Purchase Order GENSA 28028 in the amount of \$60,000 to Belfor. The premises were made ready on September 14, 2012, in time for the training of voter volunteers to begin. Subsequent invoicing by Belfor for work completed totaled \$54,820.14. Authorization of payment is needed at this time as the restoration work for the Emergency clean-up and remediation has been completed.

FINANCING:

Appropriations for this clean-up and remediation work are offset by the abatement of rent which was included in the FY 2012-13 ISF Budget. There will be no increase in net County cost.

Respectfully submitted,



Aki K. Nakao
Director, General Services Agency

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cc: Susan S. Muranishi, County Administrator
Patrick O'Connell, Auditor-Controller
Donna R. Ziegler, County Counsel