

May 14, 2017

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## **RE: Due Diligence Needed In Selection of Engineering Firm For Second Opinion**

Dr. McPhetridge:

AUSD notified the public, at the meeting on May 9th, that a second engineering firm has been hired to issue a second opinion regarding Lum. As you are hopefully aware by now, in order for the public to trust any decision that is made in this matter, there needs to be trust in the opinions upon which that decision is made. There is little to no trust in the ZFA opinion letter that started this situation. If the Board relies upon yet another engineer hand picked by AUSD and architect Mark Quattrocchi, that second opinion will carry with it that same distrust.

On two occasions now, the AUSD Board has had the privilege of being addressed by Calvin Wong. You may not be aware that Mr. Wong is well known and highly respected in the bay area structural engineering community. As City Engineer and Chief Building Official for the City of Oakland for 32 years, Mr. Wong oversaw hundreds, if not thousands, of seismic retrofits. He was also a key figure in making the most difficult assessments regarding structural integrity of buildings in the aftermath of Loma Prieta. If there were a single Bay Area expert in the field of seismic retrofits, Mr. Wong would be that expert.

As Mr. Wong has attempted to make clear to the AUSD and the Board, it is his professional opinion that not all structural engineers are the same, and it is possible to obtain very different results based simply on which engineer you hire, and what directions you give that engineer. It is Mr. Wong's opinion, which he has contacted this Board about directly, that AUSD must choose from among a few reputable engineering firms who have the capacity to come up with creative solutions regarding seismic retrofits, in order to obtain a truly independent second opinion.

The two key issues, according to Mr. Wong, are defining the scope of service for the analyzing engineer and peer reviewer, and their expertise in the field of structural engineering. There needs to be a specific goal and standard to meet, clearly defined in the contract and scope of services. At this point, since AUSD has retained a second firm without community input, without the input of renowned experts such as Mr. Wong, it is unclear if this second firm will have the requisite experience, and what their scope of services specifies.

The AUSD and this Board should also be aware that the ZFA letter is an opinion, not just in a casual sense, but legally. There are specific Business and Professions Code sections which specify that a factual report from a structural engineer must be "stamped and signed", meaning that it must be stamped with the professional license # of the engineer. (See Cal. Business and Professions Code §§ 6700 – 6799). The ZFA letter, although making factual assertions, does not bear any such stamp, and so must be considered an opinion, not a factual report.

In the time available, Mr. Wong and the engineers we've spoken with believe that the second opinion being obtained by AUSD will be exactly that, a second such opinion letter - not a "stamped and signed" statement of fact or analysis. It is their understanding that the time simply isn't available for a true structural analysis to be completed between now and May 23rd.

Ideally, in order to truly determine what if any structural issues might arise in the event of the predicted differential settlement occurring, our experts, such as Mr. Wong and Loring A. Wyllie, Jr., clearly state that an actual structural analysis, based on as-built plans, calculations to predict the actual stresses that would be placed on the steel framed structures at Lum, and applying those results to SPC2 and other safety standards would be required. Loring A. Wyllie, Jr. is yet another highly renowned name in the seismic retrofit structural engineering world, yet the AUSD and this Board are thus far unwilling to accept Mr. Wyllie's professional opinion on this issue, or the professional opinion of the other experts that have weighed in.

If AUSD and this Board still intend to make a decision on May 23rd, then there isn't time for the above industry standard analysis to be conducted, and any decision would be based on opinion rather than fact. We have provided AUSD and this Board with a number of second opinions. Mr. Wong, Mr. Wyllie, Mr. Toprakci, and Mr. Smith have all rendered professional opinions. Those professionals all agree that the ZFA opinion letter is inadequate. One firm, Smith Engineering, makes an alternative proposal that would address any concerns raised by the soil test results (see Smith Engineering proposal regarding the phased implementation of a "raft" foundation system). It would be enough for the Board to rely upon these second opinions, vote to delay this process, and to instead have an actual structural and safety analysis completed, by a firm chosen from the list below.

As stated by Captain John Grimaldi of the SSFD "[i]f you choose to ignore the information shared by the Lum DAC provided engineers, or the assessment of experts in the field of structural collapse like myself, you will be taking the children from

Lum Elementary and putting them into buildings that are less safe than the ones they are in now. The death and/or injury of these students will then be the responsibility of AUSD and this Board of Education.”

If the AUSD Board does decide to ignore all of the above experts, and votes on the AUSD recommendation to close Lum, without having an actual structural or safety analysis completed, then the general public will not trust the decision you make on May 23rd because you will not have done your due diligence as fiduciaries of this City, its tax dollars, and its residents.

The Lum DAC demands that AUSD choose from one of the following 3 firms, who have been chosen by Mr. Wong, to have an actual structural and safety analysis performed. We also demand that Lum DAC be included in any written communications with that firm, in order to ensure that proper direction is given in the contract and scope of services:

[http://degenkolb.com/practice\\_areas/seismic\\_ordinances/](http://degenkolb.com/practice_areas/seismic_ordinances/)

<http://www.wje.com/services/structural-evaluation-seismic-evaluation>

<http://www.forell.com/careers/>

If AUSD and the Board refuse the above demand, then, at an absolute minimum, we demand that second opinion come from the above list, with the Lum DAC included in any written communications with that firm, in order to ensure that proper direction is given in the contract and scope of services. We do not believe that a vote based on yet another opinion will fulfill your duty of due diligence to the City of Alameda and its residents. However, if that second opinion comes from one of the above firms, at least it can be said to come from a source without a clear conflict of interest.

We make these demands on behalf of the Lum District Advisory Committee, the Lum community, the other Alameda PTA's who have pledged their support to our cause, and on behalf of Alameda tax payers whose home values and tax dollars you are directly impacting.

Thank you,  
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