

Facility Problem Resolution



Introduction

So, you're in a leased facility – the punch list is completed, you and your staff are all moved in – and now something goes wrong with the facility, for example:

- Heating Ventilation and Air Conditioning too hot/cold, humid or dry.
- Odors, dust, vermin, weeds, graffiti
- Leaky roof, pipes, windows
- Clogged toilets or drains
- Incomplete janitorial services
- Burned out lights

What do you do now? This brochure was prepared to help guide you through the process of getting things fixed.

Document your efforts

This step is very important, especially if the State has to enforce its rights, or becomes involved in litigation. Good documentation can speed up the process of getting things fixed.

Keep a log of facility problems, like a diary. Write down who you talked to, date and time, what was said, problem, your request, and the agreed upon deadline, phone numbers, etc.

Identify the problem

Clearly identify what is wrong and what you want done to fix it. Is safety or health involved? Here are two examples from the list above:

1. HVAC needs to be balanced. At 3 PM this afternoon, it was 84° in the office area but 74° in the bathroom. Please have the cooling balanced.
2. Janitorial service not completed. Some wastebaskets are not being emptied daily, as required in the lease. The carpet in the conference room needs spot cleaning. Please have the janitors empty all wastebaskets every night, and spot clean the conference room carpet.

Identify who is responsible

This is an important issue, so review the lease to determine if the lessor or the department is responsible for resolving the problem. It is not always the lessor; it may be the department, or a contracted vendor. If a vendor is responsible for the problem, their contract should stipulate a process to resolve problems. If you are still unclear of the responsible person, contact your Facilities Operations.

Also, identify who on your staff will oversee the repairs, and see them through to completion. If your problem consists of a health and safety issue, contact your lessor, and your Facilities Operations immediately.

Decide on a time frame

To determine a reasonable deadline, ask yourself the following questions. Is the health and safety of employees or the public affected? Does this problem make your facility unusable, or unsafe? How long should it take to get a repairperson out to have the problem fixed? How soon does this need to be fixed? Can your staff work around the problem for an hour, half a day, two days, or longer, without hampering your operations? Based on your answers to these questions, come up with a reasonable deadline to give to the lessor. If you need assistance deciding a timeframe, contact your Facilities Operations.

How to start

1. The idea is to start informally with the lessor, or their representative, in a cordial and friendly way. Tell them your concerns, and agree on a reasonable deadline to finish the work.
2. If that doesn't get results, send them a note, e-mail, etc., repeating your request, reminding them of the deadline to which they agreed.
3. If that fails, forward your concern to your Facilities Operations. They will handle the situation internally, or forward the issue to the Department of General Services (DGS) Real Estate Leasing and Planning Section (RELPS), who has authority over the lease.

In most cases we have good lessors, and your phone call is enough. In all your contacts with the lessor, property manager, etc., make your request, and agree on a reasonable time to get the problem evaluated and/or fixed.

Elevate the problem

If the lessor cannot, or will not fix the problem within the agreed time frame, your Facilities Operations person will elevate the problem to the RELPS, Lease Management Unit (LMU). Someone from the LMU will review the information and contact the lessor.

If the lessor doesn't agree to solve the problem, the LMU will take the following action to have the issue resolved:

- Send a certified letter reminding the lessor of his/her responsibilities in the lease. The letter insists the work be done by a certain date, or the State will exercise its rights under the lease to make the repairs, and deduct the costs from the rent.
- If the lessor refuses to make all the repairs requested in the certified letter, the LMU will send your Facilities Operations a memo authorizing the department to hire a repairperson, have the problem fixed, and pay them. Copies of the work orders and bills are then sent to the LMU for approval.

It is your responsibility to verify if the work was done properly and completely. This is true whether the lessor does the work, or if you hire a contractor.

When the work is done, the LMU will authorize the department to deduct the costs from the rent. Please, never instruct accounting to stop paying the rent this puts the State in breach of the lease.

Mold - If you suspect that you may have a water intrusion or mold issue please contact the LMU immediately. You can also obtain a copy of our "Agency Mold Guidelines" at:

<https://www.dgs.ca.gov/-/media/Divisions/RESG/Guides/Leasing-for-State-Agencies/AgencyMoldGuidelines.ashx>.

Please refer to these guidelines when faced with potential mold issues.

For your convenience, the blanks below are provided so you have quick reference to your lessor and your Business Services or Facilities Unit.

Lessor: _____

Address: _____

Phone: _____

Cell/Pager: _____

Name: _____

Phone: _____

Cell/Pager: _____



Facilities Problem Resolution Guide



**Department of General
Services**

**Real Estate Services
Division**

Lease Management Unit

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