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Board Cover Memorandum

To Board of Education

From Kyla Johnson-Trammell, Superintendent
Preston Thomas, Chief Systems and Services Officer
Pranita Ranbhise, Director of Facilities and Planning

Meeting Date June 25, 2025

Subject Resolution No. 2425-0132 Declaring an Emergency And Authorizing District Staff to Enter Into Contracts for Emergency Construction Services for the Repair of Dangerous Conditions at Various Sites Via Demolition of Existing Structures.

Ask of the Board Approval by the Board of Education of Resolution No. 2425-0132, which will declare an emergency pursuant to Public Contract Code section 22050 and authorize District staff to enter into one or more contracts for demolition and related construction services without competitive bidding in order to abate hazardous conditions at several vacant District-owned sites.

Background The District owns several abandoned and unoccupied facilities, including the Paul Robeson Administration Building, Ethel Moore Memorial Building, Ralph J. Bunche Academy, and Hillside Academy (all as more specifically defined in Exhibit A to the Resolution and referred to herein as the “Sites”). These sites are structurally unsound, are not ADA compliant, and have no functioning electricity, fire alarms, or fire suppression systems.

Despite efforts to secure and maintain the sites through fencing, security patrols, and other measures, these Sites have seen a recent increase in people trespassing on these sites. These unauthorized entries and encampments create ongoing safety risks for the people inside the sites, the community, and the District’s property.

Two of these buildings were already set on fire in 2024, causing extensive damage and further compromising the safety of the structures. In April 2024, a report to the District’s Facilities Committee indicated ongoing trespassing and illegal activity occurring at the Sites despite the District’s efforts to secure them. This increase in illegal activity, coupled with the absence of functioning fire alarm or fire suppression systems, has significantly increased the risk of future fires and increased the threat to public health and safety. Future fires could ignite and spread rapidly, placing not only District property at risk but also nearby neighborhoods and first responders.

It is likely that there will be an increase in access to these sites in the summer months, thereby increasing the risks posed by the Sites. The only practical way to repair these

dangerous conditions is to demolish the buildings. If the District were to solicit bids, this work could not begin prior to the District's Board meeting in August, at the earliest. This delay would expose the District and the community to serious risk for an extended period of time.

Passing the resolution would authorize District staff to enter into one or more contracts to demolish the buildings at the sites. At each subsequent regular meeting of the Board, staff would need to bring an item back to the Board for a determination that emergency conditions merit continued work under the contracts.

Discussion

Public Contract Code section 22050 authorizes a public agency that has opted into CUPCCAA to procure construction services without competitive bidding when an emergency situation exists and competitive solicitation would cause unacceptable delay. Given the unsafe conditions at the sites and the real potential risk to human lives, neighborhoods, and property if additional fires occur during the summer, District staff recommend declaring an emergency and immediately engaging demolition contractors to remove the structures.

The Board has allocated \$4,000,000 in the Measure Y Expenditure Plan to initiate actions related to this issue, including near-term activities and initial project planning. The recommended action plan includes several key procurement and project steps. First, the District will conduct environmental assessments at all affected sites to identify and evaluate hazardous materials, which will directly inform the scope and sequencing of the demolition work. Following the completion of these assessments, the District will proceed with the demolition of the identified structures. This includes removing the buildings, backfilling any excavated areas with clean dirt, and leveling the sites to ensure safety and stability.

Job walks began in the last week of May for Hillside Campus and Ralph Bunche Academy. The District conducted these walks with qualified vendors from our certified CUPCCAA vendor list. Currently, we have received bids that are well within the Board's allocated budget for the project.

- | | | |
|---------------------------|-------------------|----------------|
| ● Hillside | High: \$512,000 | Low: \$145,000 |
| ● Ralph J. Bunche Academy | High: \$1,735,000 | Low: \$430,000 |

We will not have complete bids until the final Hazmat reports are completed in mid-June.

1025 Second Avenue We have not yet been able to conduct a job walk at 1025 Second Avenue due to ongoing safety concerns at the site. Once the encampments have been removed, we will initiate the process for 1025 Second Avenue. Following legal review, the District will consider the varying permit requirements applicable to the identified buildings. The Paul Robeson and Ethel Moore buildings, located at 1025 Second Avenue, may require additional permitting due to their classification, historical significance, and location. In contrast, the other sites as former schools, are subject to DSA oversight.

Fiscal Impact

The Board previously allocated \$4 million from the Measure Y spending plan approved on March 12, 2025, to address initial project planning and near-term demolition activities.

Specifically, this initial allocation covers environmental assessments, preliminary site preparations, and demolition.

The total estimated cost to demolish all four structures is up to \$13 million, based on initial estimates received. The difference between allocated funding (\$4 million) and total estimated costs (\$13 million) is approximately \$9 million.

This additional funding will be sourced from Measure Y dedicated to Phase 3 Solar Projects and the contingency for those projects. Because those projects will not meet the NEM 2 deadline that maximizes savings and will not be eligible for the potential energy incentives, staff is recommending that these funds be dedicated to the demolition of the buildings. CBOC initially proposed this concept, and staff is in alignment with this recommendation. This will bring the total budget for Demolition to \$11,233,327 from Measure Y.

- Increase **Demolition of Vacant Sites \$7,233,327**
- Decrease **Solar Phase 3 Projects: \$7,233,327**

District staff will provide the Board with periodic updates on expenditures and project milestones. Should traditional procurement methods become viable, they will be utilized.

Attachment(s)

Resolution No. 2425-0132– Resolution Declaring an Emergency that Requires the Procurement of Emergency Construction Services at Several Sites and Authorizing the District to Seek Construction Services to Complete the Emergency Work

**RESOLUTION OF THE BOARD OF EDUCATION
OAKLAND UNIFIED SCHOOL DISTRICT**

RESOLUTION NO. 2425-0132

**DECLARING AN EMERGENCY AND AUTHORIZING DISTRICT STAFF TO ENTER
INTO CONTRACTS FOR EMERGENCY CONSTRUCTION SERVICES FOR THE
REPAIR OF DANGEROUS CONDITIONS AT VARIOUS SITES VIA DEMOLITION
OF EXISTING STRUCTURES**

WHEREAS, the Oakland Unified School District (“District”) is the owner of several abandoned and unoccupied sites located within the District’s boundaries, specifically the Paul Robeson Administration Building, Ethel Moore Memorial Building, Ralph J. Bunche Academy, and Hillside Academy (all as more particularly defined and referenced on Exhibit A and collectively referred to herein as the “Sites”); and

WHEREAS, the District is subject to the California Uniform Public Construction Cost Accounting Act (Pub. Contract Code, § 22000, *et seq.*, “CUPCCAA”), which generally requires formal competitive bidding for construction contracts over \$220,000; and

WHEREAS, an exception to competitive bidding requirements exists in cases of emergency when repair and/or replacements are necessary, and the governing board of the District (“Board”) may proceed to immediately replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts (Public Contract Code §22035); and

WHEREAS, an emergency is defined as a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services (Public Contract Code §1102); and

WHEREAS, emergency work under Public Contract Code section 22035 must be done pursuant to the terms of Public Contract Code section 22050; and

WHEREAS, Public Contract Code section 22050 requires, in relevant part, that the following steps be taken:

- (1) Pursuant to a four-fifths vote of the Board, the District may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts;
- (2) Before taking any action pursuant to paragraph (1), the Board shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency;
- (3) If the Board orders any action specified above, the Board shall review the emergency action at its next regularly scheduled meeting and, except as specified below, at every

regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action. If the Board meets weekly, it may review the emergency action in accordance with this paragraph every 14 days;

- (4) When the Board reviews the emergency action, it shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts; and

WHEREAS, the aforementioned Sites have become unsafe and pose significant threats to the health, safety, and welfare of the public and the District community; and

WHEREAS, the Sites are vacant and attract dangerous and illegal behavior. For example, the Paul Robeson Administration Building and Ethel Moore Memorial Building each suffered two-alarm fires in 2024. It is believed the fires were the result of persons illegally inside the buildings setting fires. These buildings are dangerous due to structural damage, mold, lead-based hazards. The buildings are not in compliance with ADA standards;

WHEREAS, Ralph J. Bunche Academy was previously determined unsuitable for student use and is vacant. This site suffers from persistent pest infestations, dry rot, lead paint, lead-impacted soil, substantial ADA compliance issues, alarm deficiencies, and end-of-life failure of essential systems including mechanical, plumbing, sewer, and electrical systems; and

WHEREAS, similarly, Hillside Academy is vacant and in disrepair. It has suffered extensive theft and vandalism. The site has no functioning safety infrastructure, electrical systems, or fire alarm/suppression systems; and

WHEREAS, the District has made significant efforts to secure the Sites. For example, the District installed fencing, conducted security patrols, and performed ongoing maintenance;

WHEREAS, despite the District's efforts, an April 20, 2024 report given to the District's Facilities Committee noted that the Sites are abandoned, unsafe, and attract illegal activity. Security, fencing, and maintenance efforts have been ineffective. The Sites create a significant and continuing risk, blight, and danger to the surrounding community. As discussed above, fires have already been set at two of the Sites; and

WHEREAS, the activities and persons that the Sites attract tend to "spillover," and affect other nearby sites. As but one example, where Castlemont High School is in close proximity to Ralph Bunch, persons loitering in the area of Ralph Bunch tend to also be in the area of the school, raising safety and security concerns for the students that attend;

WHEREAS, recently, community reports suggest a significant increase in the number of people accessing the Sites. Such reports include details of illicit and unauthorized activities on the Sites. Despite the District's best efforts, more people are accessing the Sites than ever, and it appears that there will be an even larger increase in activity on these Sites as we approach the summer months; and

WHEREAS, if the District were to follow its normal bid processes, the Sites would remain in their current unsafe condition for months, including during periods of increased risk during the summer. Such delay would further increase the risk of fire and other dangerous activities at the Sites; and

WHEREAS, in order to abate the emergency and to protect the health and safety of the community, neighboring residents, and individuals in proximity to the Sites, the District must immediately proceed with the demolition and removal of the structures and improvements at the Sites (the “Work”), because the deteriorated conditions, vandalism, environmental hazards, and ongoing illegal activities at the Sites pose serious and immediate risks to public health, safety, and property; and

WHEREAS, the ongoing condition of the Sites and the recent increase of activity at the Sites poses an imminent risk of harm to persons and property, including risks of fire, injury, contamination, and additional public resource expenditures; and

WHEREAS, to repair the dangerous condition of the property, immediate demolition and removal of the unsafe structures at the Sites is necessary to prevent further damage, eliminate public safety hazards, and protect the District, its students, and the surrounding community; and

WHEREAS, the District will immediately proceed to identify and contract with qualified contractors to perform the Work as quickly as possible, and District staff will report to the Governing Board at each regular meeting on the status of the emergency and the progress of the Work, as required by Public Contract Code section 22050; and

WHEREAS, based on the foregoing facts, the Governing Board finds that an emergency exists within the meaning of Public Contract Code section 22050 and that immediate action is necessary to address conditions threatening public health, safety, and property.

NOW, THEREFORE, BE IT RESOLVED, the Governing Board of the Oakland Unified School District hereby finds, determines, declares, orders, and resolves as follows:

1. That the above recitals are true and correct;
2. That the foregoing facts stated above, including without limitation the recent reports of increased illegal and unauthorized activity at the Sites, the District’s inability to secure the Sites despite its efforts, the knowledge that two of the Sites were set on fire last summer, and the District’s inability to bid the work prior to the summer months and the continued deteriorated condition of the Sites constitutes a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services (“Emergency”) (Public Contract Code §1102);
3. That, as described above, in order to mitigate risk to the potential health and safety impact on the community, Work has to commence as soon as possible, and delays which would result from a competitive bidding process would unduly increase risk to the surrounding community;

4. That pursuant to Public Contract Code section 22050(b)(1), the Board delegates to the District's Superintendent, and to the Chief Systems and Services Officer or their respective designees, the authority to take such action as necessary to procure the necessary equipment, services, and supplies to perform the Work without giving notice for bids to let contracts. The aforementioned authority to enter into such contracts shall be limited to the estimated total budget for Demolition of \$11,233,327 from Bond Measure Y. If circumstances arise such that staff determines that there is time to procure the equipment, services, and supplies through traditional procurement methods, it shall do so.
5. That (a) District staff shall report on the status of this Emergency to the Board at its next regularly scheduled meeting so that the Board may determine, by a four-fifths vote, that there is a need to continue the Emergency action, including a specific determination that the remainder of the Emergency action cannot be completed by giving notice for bids to let contracts; (b) after any four-fifths vote by the Board to continue the Emergency action, pursuant to this paragraph District staff shall report to the Board at its next regularly scheduled meeting for another continuation vote by the Board, including the above specific determination; and (c) if the Board ever fails to make the above determination by four-fifths vote, the Emergency action shall terminate, and any further Work shall be performed pursuant to competitive bidding (unless another exception to the competitive bidding requirement applies).

PASSED AND ADOPTED by a four-fifths (4/5) vote by the Board of Education of the Oakland Unified School District this ____ day of ____, 2025; by the following vote, to wit:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

CERTIFICATION

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Regular Meeting of the Board of Education of the Oakland Unified School District, held on May 14th, 2025.

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OAKLAND UNIFIED SCHOOL DISTRICT

Jennifer Brouhard
President, Board of Education

Superintendent and Secretary, Board of
Education

EXHIBIT A

1. All structures and improvements within the yellow box in Figure 1 below located at 1025 2nd Ave, Oakland, CA 94606.
 - Alternate Name(s): Paul Robeson Building and Ethel Moore Annex
 - Area: 65,484 SF (1.5 acres)
 - General Plan (Zoning): Urban Residential



Figure 1

2. All structures and improvements within the yellow box in Figure 2 below located at 1240 18th St, Oakland, CA 94607.
 - Alternate Name(s): Ralph Bunche Academy
 - Area: 135,424 SF (3.11 acres)
 - General Plan (Zoning): Institutional



Figure 2

3. All structures and improvements as indicated within the yellow box in Figure 3 below located at 2369 84th Ave (marked in yellow in the Figure 3)
 - Alternate name: Hillside at Castlemont
 - Area: 116,290 SF (1.9 acres)
 - General Plan: Institutional



Figure 3