



March 6, 2015

Binding Letter of Intent to Enter Into In Lieu of Proposition 39 Agreement with Community School for Creative Education

The Oakland Unified School District (the "District") affirms its intent to enter into In Lieu of Proposition 39 Agreement with Community School for Creative Education at 2111 International Boulevard, Oakland, California 94606 to commence July 1, 2015.

The Parties, in entering into this Binding Letter of Intent, agree as follows:

1. **Condition of Premises.**

- a. The Premises are leased to CSCE on an "AS IS" basis. District shall not be required to make or construct any alterations including structural changes, additions or improvements to the Premises. By entry and taking possession of the Premises pursuant to this Agreement, CSCE accepts the Premises in "AS IS" condition.
- b. CSCE acknowledges that neither District nor District's agents have made any representation or warranty as to the suitability of the Premises for CSCE's Activities.

2. **Title to School Site(s) /Classroom Buildings.** The Parties acknowledge that title to the Premises is held by District

3. **Premises:** See Attachment A (Attachment B to the February 1, 2015 Preliminary Prop 39 Offer for the 2015-16 school year.)

4. **Use:** Public Charter School

5. **Agreement Term:** The Term shall be two (2) years, for the period from July 1, 2015 to June 30, 2017, with an option to renew for one additional five (5) year term at CSCE's option, subject to earlier termination if CSCE's program ceases to operate after a revocation, nonrenewal or surrender of the charter to the granting agency, and all appeals have been exhausted. If the Parties wish to renew this Agreement after expiration of the option term, this can only be done by a separate writing executed by the Parties that complies with Education Code section 17534(b) (which requires capital outlay improvements by CSCE to exceed the term beyond five (5) years)

6. **Agreement Commencement: July 1, 2015**

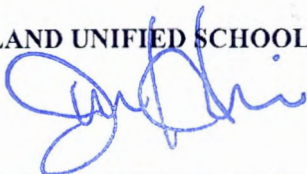
7. **Facility Use Fee:** For 2015-16 and 2016-17, the fee shall be \$3.80 per square foot, based upon 17,612 square feet or a total \$66,925. If CSCE exercises the option to extend the term an additional five years, during the five year option period the rate shall be the 2018-19 Prop 39 or equivalent rate.

8. **Custodial Services:** CSCE at its option may self-procure custodial services
9. **Other Services:** CSCE shall use District Nutrition Services program.
10. **Payment Schedule:** Each year's rent shall be paid in four installments: 25% by October 1, 25% by December 1, 25% by April 1, and 25% by July 1.
11. **Utilities:** Utility charges are not included in the Facility Use Fee. CSCE shall pay its pro rata share of for all utilities charges. For purposes of this Agreement, utilities include water, irrigation, gas, electricity, telephone, security and fire alarm monitoring, data and communication lines and service, trash pick-up, and sewage fees.
12. **Tenant Improvements:** N/A
13. **Maintenance and Repairs during the Term of the Agreement**

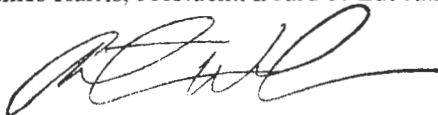
As provided in Section 16 of the February 1, 2015 Preliminary Prop 39 Offer.
14. **Indemnification and Insurance**

As provided in Sections 21 and 22 of the February 1, 2015 Preliminary Prop 39 Offer.
15. **Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion:** The District certifies to the best of its knowledge and belief, that it and its principals: Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or CONTRACTOR according to Federal Acquisition Regulation Subpart 9.4, and by signing this contract, verifies that this vendor does not appear on the Excluded Parties List.
<https://www.sam.gov/portal/public/SAM>
16. **Final Agreement**
The Parties agree that the final Agreement shall be executed no later than March 6, 2015 and shall be approved by the OUSD Board of Education at its meeting on March 11, 2015.

OAKLAND UNIFIED SCHOOL DISTRICT



James Harris, President, Board of Education



Antwan Wilson, Superintendent & Secretary, Board of Education

File ID Number: 15-0414
Introduction Date: 3/11/15
Enactment Number: 15-0324
Enactment Date: 3/11/15
By: OA

March 2, 2015
Page 3

APPROVED AS TO FORM

Jacqueline Minor, General Counsel

CHARTER SCHOOL

By: Ida Oberman
Dr. Ida Oberman

Title: Executive Director