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Memo

To Board of Education

From Devin Dillon, Superintendent and Secretary, Board of Education
 By: Vernon Hal, Senior Business Officer *VEH*
 Joe Dominguez, Deputy Chief, Facilities Planning and Management *JD*

Board Meeting Date January 25, 2017

Subject **Resolution No. 1617- 0097 Terminating Emergency Contracts AUTHORIZING EMERGENCY CONTRACTS FOR THE WATER INTRUSION AND MOLD DAMAGE AT LINCOLN ELEMENTARY SCHOOL**

Action Requested Approval of Resolution No. **1617-0097** -Terminating Emergency Contracts for the procurement of equipment and services for emergency abatement of damaged materials, air cleansing and repair work (“Repair Work”) at Lincoln Elementary School.

Discussion By Enactment 16-1283, the Board of Education declared an emergency pursuant to the Public Contracts Code which authorized the District to enter into emergency contracts for the procurement of equipment and services for emergency abatement of damaged materials, air cleansing and repair work at Lincoln Elementary School. Under the Public Contracts Code, the Board 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. District Staff recommends that the emergency be terminated effective January 25, 2017. The purpose of the resolution before the Board tonight is to terminate the emergency.

FISCAL IMPACT None

RECOMMENDATION: Approval of Resolution No. 1617-0097- Terminating Emergency Contracts for the procurement of equipment and services for emergency abatement of damaged materials, air cleansing and repair work (“Repair Work”) at Lincoln Elementary School.



**RESOLUTION NO. 1617-0097
OF THE
BOARD OF EDUCATION**

**TERMINATING ENACTMENT 16-1283 AUTHORIZING EMERGENCY
CONTRACTS FOR THE ABATEMENT OF DAMAGED MATERIALS, AIR
CLEANSING AND REPAIR WORK AT LINCOLN ELEMENTARY SCHOOL**

WHEREAS, in cases of emergency, the governing board of the District (“Board”) may proceed pursuant to California Uniform Public Construction Cost Accounting Act (Pub. Contract Code §22000, et seq. “CUPCCAA”), to immediately replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contract; and

WHEREAS, by Enactment 16-1283, the governing board of the Oakland Unified School District found:

1. That there was an emergency as defined by applicable statute(s) (“Emergency”);
2. That the abatement of damaged materials, air cleansing and repair work at Lincoln Elementary School must commence immediately due to significant safety concerns as provided in the authorizing resolution, and therefore would not permit the delays which would result from a competitive bidding process; and that approval of a resolution was necessary to respond to the Emergency;
3. That contracts or change orders, were necessary to remove the damaged materials, cleanse the air and provide repair work related to the Emergency, without further advertising for or inviting of bids, and to take all steps and perform all actions necessary to execute and implement those contracts; and
4. Directed by the District staff report on the status of this Emergency at the Board’s regularly scheduled Board meeting until the Board terminated the Emergency action.

NOW THEREFORE, the Board of Education of the Oakland Unified School District hereby resolves, determines, and finds the Emergency as defined by statute has ceased and the Emergency is hereby terminated.

PASSED AND ADOPTED by the Board of Education of the Oakland Unified School District this 25th day of January, 2017, by the following vote, to wit:

AYES: Roseann Torres, Aimee Eng, Shanthi Gonzales, Jody London, Jumoke Hinton Hodge, Vice President Nina Senn, President James Harris

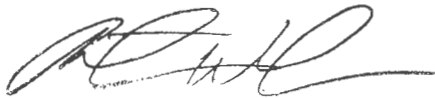
NOES: None

ABSTAINED: None

ABSENT: None

CERTIFICATION

I hereby certify that the foregoing Resolution was duly approved and adopted by the Board of Education of said district at a meeting thereof held on the 25th date of January, 2017 with a copy of such Resolution being on file in the Office of the Board of Education of said District.



Antwan Wilson, Superintendent and Board Secretary