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Board Cover Memorandum

To Facilities Committee

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

Meeting Date February 25, 2025

Subject Sole Source Purchasing Resolution: FloWater and Elkay Water Filters

Ask of the Board Approve the Sole Source Purchasing Resolution allowing the district to establish a procurement standard for high-quality filtered water in OUSD.

Background Oakland Unified School District (OUSD) has a documented history of lead contamination in school drinking water, necessitating urgent and sustained remediation efforts. In 2017, initial testing revealed elevated lead levels in multiple school sites, prompting immediate fixture replacements and filtration installations. Subsequent testing and ongoing monitoring have demonstrated the continued need for comprehensive mitigation strategies to ensure student and staff safety.

Discussion To address these challenges, OUSD has implemented water quality improvement measures, including the installation of certified filtration units and regular water testing protocols. However, the district’s aging infrastructure, new regulatory requirements, and evolving best practices have necessitated the procurement of specialized equipment and services to maintain compliance with OUSD’s water quality standards. Given the critical nature of this work and the proprietary nature of the required solutions, a sole source purchasing resolution is essential to expedite implementation and safeguard school communities from potential exposure to lead in drinking water.

Fiscal Impact The adoption of this sole source purchasing resolution will not result in any additional unbudgeted expenditures beyond those already allocated for water quality improvements in Oakland Unified School District (OUSD).

This resolution will expedite the procurement process by eliminating delays associated with competitive bidding, ensuring that critical water filtration and remediation work can proceed without unnecessary administrative barriers. It aligns with Public Contract Code provisions for sole source contracting by

demonstrating the proprietary nature of the required solutions and the lack of viable alternatives that meet the district's specifications.

By streamlining repairs and reducing procurement lead times, this resolution will enhance operational efficiency, minimize disruption to school sites, and accelerate the district's compliance with water quality standards. Furthermore, by maintaining a consistent approach to filtration and remediation across all affected sites, OUSD can ensure cost efficiency, long-term sustainability, and the protection of student and staff health.

Attachment(s)

- Resolution No. 2425-0127

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

RESOLUTION NO. 2425-0127

**DESIGNATING SPECIFIC MATERIAL(S), PRODUCT(S), THING(S), OR
SERVICE(S) FOR USE ON PUBLIC WORKS PROJECTS PURSUANT TO
PUBLIC CONTRACT CODE SECTION 3400**

WHEREAS, the Oakland Unified School District ("District") is engaged in a District-wide capital outlay program to renovate, repair, modernize and construct new facilities ("Construction Program") in order to create suitable educational facilities for all of the students and staff of the District; and

WHEREAS, the District has considered the benefits of requiring certain material(s), product(s), thing(s), or service(s) to be specified for use in its Construction Program; and

WHEREAS, pursuant to California Public Contract Code section 3400 (PCC § 3400), the District intends to specifically list and/or designate in its invitations to bid or requests for proposals, certain material(s), product(s), thing(s), or service(s) identified by the District ("Designated Products"); and

WHEREAS, PCC § 3400(c)(1) provides that the District may specify Designated Products in its invitations for bids or requests for proposals in connection with the construction, alteration, or repair of public works upon a finding by the District's Governing Board that the Designated Products are listed in order that a field test or experiment may be made to determine the product's suitability for future use; and

WHEREAS, PCC § 3400(c)(2) provides that the District may specify Designated Products in its invitations for bids or requests for proposals in connection with the construction, alteration, or repair of public works upon a finding by the District's Governing Board that the Designated Products are listed in order to match other products in use on a particular public improvement either completed or in the course of completion; and

WHEREAS, PCC § 3400(c)(3) provides that the District may specify Designated Products in its invitations for bids or requests for proposals in connection with the construction, alteration, or repair of public works upon a finding by the District's Governing Board that the Designated Products are listed in order to obtain a necessary item that is only available from one source; and

WHEREAS, PCC § 3400(c)(4) provides that the District may specify Designated Products in its invitations for bids or requests for proposals in connection with the construction, alteration, or repair of public works upon a finding by the District's Governing Board that the Designated Products are listed in order to respond to an emergency declared by a local agency, the state, a state agency, or political subdivision of the state; and

WHEREAS, the District intends to specify the Designated Products as the only acceptable material(s), product(s), thing(s), or service(s) for use on Construction Program projects in order:

- To match other product(s) in use on other District public improvement(s) either completed or in the course of completion; and

WHEREAS, the use of the Designated Products is necessary because:

- The District will avoid potential significant costs by conducting field tests of certain Designated Products to determine their suitability and compatibility with other material(s), product(s), thing(s), or service(s) already in use at District sites, prior to those Designated Products' future use at other sites.
 - The District has incurred significant costs to train its employees to service and maintain specific current product(s) and system(s) throughout District campuses.
 - The ongoing maintenance, repair, and other work that District staff and/or service providers will have to perform on those product(s) or system(s) will be simplified, more efficient, and less costly if those persons do not have to seek re-training or innumerable additional trainings, to service different and varied product(s) and system(s).
 - The warranties and guarantees for the Designated Products will be easier to coordinate, track, and service in the years to come if they are with the same manufacturers / vendors of the particular product(s) or system(s).
 - The District would save substantial costs by implementing uniform system(s) and installing uniform product(s) throughout the District, thereby facilitating uniform maintenance procedures, engineering specifications, and overall system and product reliability.
 - The District anticipates future construction, alteration, modernization of existing school sites to, among other things, replace and/or upgrade system(s) at those sites.
 - It would be beneficial to the District to have and use uniform parts and materials throughout the system(s) in use at its existing projects and sites.
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WHEREAS, the District will endeavor to list, whenever feasible, more than one product or system when more than one product or system is acceptable, and the above conditions are sufficiently satisfied; and

WHEREAS, on May 11, 2011, the District approved Resolution No. 1011-0166, Legislative File No. 11-0855, adopting District standards for material(s), product(s), thing(s), or service(s) ("2011 Designated Products") for use in the District's Construction Program; and

WHEREAS, on February 11, 2015, the District approved Resolution No. 1415-0161, Legislative File No. 15-0110, re-listing, revising, and adopting District standards for material(s), product(s), thing(s), or service(s) ("2015 Designated Products") for use in the District's Construction Program; and

WHEREAS, on February 23, 2022, the District approved Resolution No. 2122-0152, Legislative File No. 22-0240, re-listing, revising, and adopting District standards for material(s), product(s), thing(s), or service(s) ("2022 Designated Products") for use in the District's Construction Program; and

WHEREAS, except for specific products re-listed and revised herein, the 2011 Designated Products, 2015, Designated Products, and 2022 Designated Products, and the Board's action taken pursuant to Resolution No. 1011-0166, Resolution No. 1415-0161, and Resolution No. 2122-0152 are in no way removed, reconsidered or reopened because of the Board's action on this instant resolution; and

WHEREAS, in the attached **Exhibit "C"**, the District has attached for reference purposes Legislative File No. 22-0240 establishing the 2022 Designated Products, Legislative File No. 15-0110 establishing the 2015 Designated Products, and Legislative File No. 11-0855 establishing the 2011 Designated Products, so that all designated material(s), product(s), thing(s), or service(s) to be specified for use in the District's Construction Program is contained in one document; and

NOW THEREFORE, BE IT RESOLVED THAT, the Governing Board of the Oakland Unified School District hereby resolves, determines, and finds the following:

1. That the foregoing recitals are true.
 2. The District has already incurred significant costs to train its employees to service and maintain specific current product(s) and system(s) throughout District campuses.
 3. The ongoing maintenance, repair, and other work that District staff and/or service providers will have to perform on those Designated Products will be simplified, more efficient, and less costly if those persons do not have to seek re-training or innumerable additional trainings for different and varied product(s) and system(s).
 4. The warranties and guarantees for Designated Products will be easier to coordinate, track, and service in the years to come if they are with the same manufacturers/vendors of the particular product(s) or system(s).
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5. The District would save significant costs by implementing uniform system(s) and installing uniform product(s) throughout the District, facilitating maintenance, engineering and overall reliability.
6. The District anticipates as part of its Construction Program, future construction, alteration, modernization of existing school sites to, among other things, replace and/or upgrade system(s) at those sites.
7. It would be beneficial to the District to have and use uniform parts and materials throughout the system(s) in use at its existing projects and sites.
8. The District will endeavor to list, whenever feasible, more than one product or system when more than one product or system is acceptable, and the above conditions are sufficiently satisfied.
9. That the Designated Products listed in **Exhibits "A" and "B"** are the only acceptable material(s), product(s), thing(s), or service(s) for use on projects in the Construction Program, because, as indicated in the listing of that Designated Product, the Designated Products match other product(s) in use on other District public improvement(s) either completed or in the course of completion.
10. That the District shall list in its invitation(s) to bid or requests for proposals for the District's public works projects, the Designated Products listed in **Exhibits "A" and "B,"** including the 2022 Designated Products, 2015 Designated Products and the 2011 Designated Products, to the extent such products were re-listed and revised by subsequent resolutions, as the only acceptable material(s), product(s), thing(s), or service(s) for use on the District's Construction Program.
11. That the District's Superintendent, or the Superintendent's designee, is authorized pursuant to this Resolution to take any action that is necessary to complete the procedures necessary to carry out, give effect to, and comply with the terms and intent of this Resolution.
12. This Resolution shall take effect upon its adoption.

Passed and adopted by the Board of Education of the Oakland Unified School District this _____ day of _____, 2025; by the following vote:

PREFERENTIAL AYE:

PREFERENTIAL NOE:

PREFERENTIAL ABSTENTION:

PREFERENTIAL RECUSE:

AYES:

NOES:

ABSTAINED:

RECUSED:

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 March 12, 2025.

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By:	

OAKLAND UNIFIED SCHOOL DISTRICT

Jennifer Brouhard
President, Board of Education

Kyla Johnson-Trammell
Superintendent and Secretary, Board of Education



Exhibit "A"
Designated Products
FloWater Refill
Station

A. Water Filtration Systems manufactured by the following manufacture(s):

- **Manufacturer: FloWater Systems**
- **Model or Series: Model #RS17 or Similar**

The District intends to match these products and systems with those already in use, and is endeavoring to better coordinate the training, maintenance, and repair of these products and systems throughout the District. The ever-increasing cost and coordination of varied products and systems with a limited maintenance personnel staff and a limited budget for outside vendors, requires the District to limit variance in these types of products and systems to facilitate more control and cost containment in keeping products and systems operational. Through the use of this product, the District emphasizes its commitment to using reliable, tested systems that prioritize the health and wellbeing of District students and staff.

Exhibit "B"

Designated

Products

Elkay Bottle Fillers and Drinking Fountains

A. Water Filtration Systems manufactured by the following manufacture(s):

- **Manufacturer: Elkay**
- **Model or Series: Combo Filler/Bubbler (EZSDWSLK), Bottle Filler (DSSBF8S), Combo with Extra Bubbler (EZSTLDWSLK) or similar models.**

The District intends to match these products and systems with those already in use, and is endeavoring to better coordinate the training, maintenance, and repair of these products and systems throughout the District. The ever-increasing cost and coordination of varied products and systems with a limited maintenance personnel staff and a limited budget for outside vendors, requires the District to limit variance in these types of products and systems to facilitate more control and cost containment in keeping products and systems operational. Through the use of this product, the District emphasizes its commitment to using reliable, tested systems that prioritize the health and wellbeing of District students and staff.

Exhibit "C"

Designated

Products

Legislative File No. [15-0110](#) (Enactment No. 15-0175), Legislative File No. [11-0855](#) (Enactment No. 11-0958), and Legislative File [22-0240](#) (Enactment No. 22-0325)