

Board Office Use: Legislative File Info.	
File ID Number	15-1784
Introduction Date	9/24/15
Enactment Number	15-1513
Enactment Date	9/24/15 <i>02</i>

OAKLAND UNIFIED SCHOOL DISTRICT
Office of the Board of Education

September 24, 2015

TO: Board of Education

FROM: Jacqueline Minor, General Counsel

**SUBJECT: Resolution No. 1516-0013 Terminating Emergency Contracts
Authorizing Emergency Contracts Related To The Claremont
Cafeteria Fire**

ACTION REQUESTED:

**Approval of Resolution No. 1516-0013 Authorizing Emergency Contracts
Related to the Claremont Cafeteria Fire**

DISCUSSION:

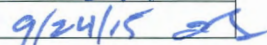
By Enactment 15-0475, the Board of Education declared an emergency pursuant to the Public Contracts Code which authorized the District to enter into emergency contracts necessary for renovation and rehabilitation after the Claremont Middle School cafeteria fire. Under the Public Contracts Code, the Board 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 September 25, 2015. The purpose of the resolution before the Board tonight is to terminate the emergency.

FISCAL IMPACT:

None

RECOMMENDATION:

**Approval of Resolution No. 1516-0013 Authorizing Emergency Contracts
Related to the Claremont Cafeteria Fire**

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**RESOLUTION NO. 1516-0013
OF THE
BOARD OF EDUCATION**

**TERMINATING ENACTMENT 15-0475 AUTHORIZING EMERGENCY CONTRACTS FOR
ABATEMENT, REPAIRS AND RENOVATION NECESSARY AFTER THE CLAREMONT
MIDDLE SCHOOL CAFETERIA FIRE**

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 contracts; and

WHEREAS, by Enactment 15-0475, 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 Claremont Middle School Repair Work must commence immediately 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 perform all 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 that 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 24th day of September, 2015, by the following vote, to wit:

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

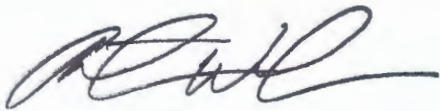
NOES: None

ABSTAINED: Shanthi Gonzales

ABSENT: Roseann Torres

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 24th day of September, 2015 with a copy of such Resolution being on file in the Office of the Board of Education of said District.

A handwritten signature in black ink, appearing to read 'Antwan Wilson', is written above a horizontal line.

Antwan Wilson, Superintendent and Board Secretary