

Board Office Use: Legislative File Info.	
File ID Number	16-2110
Introduction Date	9-28-2016
Enactment Number	16-1529
Enactment Date	9/28/16 <i>ad</i>



OAKLAND UNIFIED  
SCHOOL DISTRICT

*Community Schools. Promoting Success!*

# Memo

To Board of Education  
From Antwan Wilson, Superintendent and Secretary, Board of Education  
By: Vernon Hal, Senior Business Officer  
Joe Dominguez, Deputy Chief, Facilities Planning and Management

Board Meeting Date September 28, 2016

Subject **Resolution No. 1617-0057 Terminating Emergency Contracts  
AUTHORIZING EMERGENCY CONTRACTS FOR THE FIRE  
DAMAGE AT UNITED FOR SUCCESS (CALVIN SIMMONS) MIDDLE  
SCHOOL**

Action Requested Approval of Resolution No. 1617-0057 - Terminating Emergency Contracts for the procurement of equipment and services for emergency abatement of damaged materials, air cleansing and repair work ("Repair Work") at United for Success (Calvin Simmons) Middle School.

Discussion By Enactment 1617-0037, 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 United for Success (Calvin Simmons) Middle 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 September 28, 2016. The purpose of the resolution before the Board tonight is to terminate the emergency.

**FISCAL IMPACT** None

**RECOMMENDATION:** Approval of Resolution No. 1617-0057 Terminating Emergency Contracts for the abatement of damaged material, air cleansing and repair work at United for Success (Calvin Simmons) Middle School.



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**RESOLUTION NO. 1617-0057  
OF THE  
BOARD OF EDUCATION**

**TERMINATING ENACTMENT 1617-0037 AUTHORIZING EMERGENCY  
CONTRACTS FOR THE ABATEMENT OF DAMAGED MATERIALS, AIR  
CLEANSING AND REPAIR WORK AT UNITED FOR SUCCESS (CALVIN  
SIMMONS) MIDDLE 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 1617-0037, 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 United by Success (Calvin Simmons) Middle 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 28<sup>th</sup> day of September, 2016, by the following vote, to wit:

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

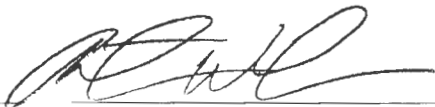
NOES: None

ABSTAINED: None

ABSENT: Roseann Torres, Jody London

**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 28<sup>th</sup> date of September, 2016 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