

Board Office Use: <b>Legislative File Info.</b>	
File ID Number	19-1230
Introduction Date	6/12/19
Enactment Number	19-0960
Enactment Date	6/12/19 If



# Memo

**To** Board of Education

**From** Michael L. Smith, Interim General Counsel

**Board Meeting Date** June 12, 2019

**Subject** Amendment No. 1 to Memorandum of Understanding and Engagement Policy  
Contractor: Fagen Friedman & Fulfroost, LLP  
Services For: Legal, Special Education and Facilities

**Action Requested and Recommendation** Approval by the Board of Education of Amendment No. 1 to Memorandum of Understanding and Engagement Policy between Oakland Unified School District and Fagen Friedman & Fulfroost, LLP, Oakland, CA, for the latter to provide additional legal services to the District on an as needed basis, in an amount an additional amount of \$185,000, not to exceed \$485,000 for the current fiscal year.

**Prior Contract** The Agreement was previously approved by the Board on 10/13/2016 (Enactment No. 16-1672).

**Modification** This amendment modifies the scope of work and compensation. All other provisions remain the same.

**Competitively Bid** Was this contract competitively bid? No  
If no, exception: Special Services (legal services)

**Fiscal Impact** Funding resource(s): General Purpose

**Attachments**

- Amendment No. 1
- Memorandum of Understanding and Engagement Policy

<b>Board Office Use: Legislative File Info.</b>	
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**OAKLAND UNIFIED SCHOOL DISTRICT**  
Community Schools, Thriving Students

**AMENDMENT NO. 1 TO  
MEMORANDUM OF UNDERSTANDING AND ENGAGEMENT POLICY**

This Amendment amends Memorandum of Understanding and Engagement Policy between Oakland Unified School District (OUSD) and Fagen Friedman & Fulfroost, LLP (Contractor) entered into on 10/13/2016 (OUSD Enactment No. 16-1672 The parties agree to amend that Agreement as follows:

<b>1. Services:</b>	<input type="checkbox"/> The scope of work is <u>unchanged</u> .	<input checked="" type="checkbox"/> The scope of work has <u>changed</u> .
<b>If the scope of work has changed:</b> Provide brief description of revised scope of work including measurable description of expected final results, such as services, materials, products, and/or reports; attach additional pages as necessary.		
<input type="checkbox"/> Revised scope of work attached. OR <input checked="" type="checkbox"/> CONTRACTOR agrees to provide the following amended services:		
Additional legal services during the 18/19 fiscal year in the areas of special education, employment law, labor negotiations, facilities and construction law, litigation, and general legal advice.		
<b>2. Term (duration):</b>	<input checked="" type="checkbox"/> The term of the contract is <u>unchanged</u> .	<input type="checkbox"/> The term of the contract has <u>changed</u> .
<b>If the term has changed:</b> The contract term began on _____ and expires on _____. The parties agree to extend the contract through _____.		
<b>3. Compensation:</b>	<input type="checkbox"/> The contract price is <u>unchanged</u> .	<input checked="" type="checkbox"/> The contract price has <u>changed</u> .
<b>If the compensation has changed:</b> The contract price is amended by		
<input checked="" type="checkbox"/> Increase of \$185,000 to original contract amount for the 18/19 fiscal year only.		
<input type="checkbox"/> Decrease of \$_____ to original contract amount.		
The new contract total is not to exceed Four Hundred Eighty-Five Thousand Dollars (\$485,000) for the 18/19 fiscal year only.		

**4. Remaining Provisions:** All other provisions of the Agreement, and prior Amendment(s) if any, shall remain unchanged and in full force and effect as originally stated.

**5. Amendment History:**

There are no previous amendments to this Agreement.  This contract has previously been amended as follows:

No.	OUSD Enactment No.	General Description of Reason for Amendment	Amount of Increase (Decrease)
			\$
			\$
			\$

**6. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion:** CONTRACTOR certifies to the best of his/her/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 agency according to Federal Acquisition Regulation Subpart 9.4, and by signing this contract, certifies that this vendor does not appear on the Excluded Parties List (<https://www.sam.gov/>).

7. **Approval:** Approval requires signature by the Board of Education and/or the Superintendent as its designee. This Amendment shall be deemed approved when it has been signed by the Board of Education, and/or the Superintendent as its designee.

**OAKLAND UNIFIED SCHOOL DISTRICT**

*Aimee Long*

6/13/19

President, Board of Education

Date

Superintendent

Chief or Deputy Chief

*J. H. Harkness*

6/13/19

Secretary, Board of Education

Date

**CONTRACTOR**

*[Handwritten Signature]*

Contractor Signature

*5.30.2019*

Date

*Foy Combs, Partner*

Print Name, Title