

OHLONE COMMUNITY COLLEGE DISTRICT

MEMORANDUM

TO: Board of Trustees

FROM: Douglas Treadway

DATE: November 14, 2007

SUBJECT: Emergency Resolution for Water Intrusion Research and Repair

Public Contract Code Section 20654 provides a method to enter into contracts on behalf of the District for the performance of labor and furnishings of materials without advertising for or inviting bids in the case of an emergency. An emergency is defined as danger to life or property or a situation that prevents the continuance of existing college classes. The Code requires the Board to pass the attached resolution by unanimous vote; and, the County Superintendent of Schools must approve the action. Passage of this resolution will allow the District to enter into contracts for this work without advertising for bids, as process that could take up to twelve additional weeks to complete.

The District has identified a problem with underground water intrusion into several buildings on the Fremont Campus. The District applied for and received approval from the State to make urgent repairs under a "Health and Safety" funding request. While in the process of hiring engineers and preparing to thoroughly investigate the magnitude of the problem, recent light rains caused an increased flow of underground water that has started leaking into Building 1. This discovery created an emergency situation because the process of bidding the required research and repair work would increase the danger of additional damage to the property and may cause the disruption of classes. Therefore, it is no longer feasible to wait for the design/bid process to research the source of the water intrusion and make these immediately needed repairs to Building 1. The District will survey underground water flow in various areas of the campus to determine the best approach of mitigating intrusion into campus buildings and hire a contractor to repair the subsurface structure of Building 1 by waterproofing the exterior wall. It is anticipated that the remainder of the buildings will be repaired using the conventional bidding process once the research has been completed.

RECOMMENDATION

The President/Superintendent recommends approval of Resolution #8/07-08 to authorize emergency research of underground water flow and intrusion and repair water leaks into Building 1 on the Fremont Campus.

**OHLONE COMMUNITY COLLEGE DISTRICT
RESOLUTION NO. 8/07-08**

**EMERGENCY RESOLUTION OF THE GOVERNING BOARD OF THE
OHLONE COMMUNITY COLLEGE DISTRICT
FOR UNDERGROUND WATER INTRUSION REPAIR**

WHEREAS, Public Contract Code Section 20654 provides a method to make a contract on behalf of the District for the performance of labor and furnishings of materials without advertising for or inviting bids; and

WHEREAS, the District has discovered water intrusion into Building 1 and other buildings on the Fremont Campus that threatens the continuance of existing college classes; and

WHEREAS, State law requires unanimous approval of the Governing Board; and

NOW, THEREFORE BE IT RESOLVED that the Ohlone Community College Board of Trustees does hereby declare that an emergency exists requiring immediate action and authorizes the Vice President, Administrative Services or his designee to enter into contracts without advertising for or soliciting formal bids for the research and repair of underground water intrusion.

PASSED AND ADOPTED by the Ohlone Community College District Board of Trustees on this fourteenth day of November, 2007, by the following vote:

AYES:
NOES:
ABSENT:

STATE OF CALIFORNIA, COUNTY OF ALAMEDA

I, Douglas Treadway, Secretary of the Ohlone Community College District Board of Trustees, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the Board of Trustees at a regularly called and conducted meeting held on said date.

Secretary of Board of Trustees