

**PERALTA COMMUNITY COLLEGE DISTRICT**  
**Board of Trustees Agenda Report**  
**For the Trustee Meeting Date of October 20, 2015**

**ITEM TITLE:**

Consider Approval of an emergency service contract with Suarez & Munoz Construction Inc. for Cutting Weeds and Hazardous Vegetation at Merritt College.

**SPECIFIC BOARD ACTION REQUESTED:**

Approval is requested to approve an emergency service contract with Suarez & Munoz Construction Inc. to clear all weeds and hazardous vegetation in the wildland interface areas around at Merritt College, in the amount not-to-exceed \$38,610.

**ITEM SUMMARY:**

The Oakland Fire Department issued a citation to the District for immediate weed abatement in the wildland area due to high fire danger to the college and the neighbors. On August 3, 2015, the Oakland Fire Department (Fire Prevention Bureau) conducted a vegetation inspection at the site, and discovered that site to be non-compliant with the City of Oakland fire regulations. The property area that need weed abatement is about 31 acres of wildland interface areas (parcels #037-2685-001-40 and 037A-3141-001-17), but only a portion needs weed abatement. The District must immediately correct the problem in accordance with the California Fire Codes (CFC). To meet the CFC's regulations, the contractor will complete the following scope of work:

- Clear all weeds and hazardous vegetation on the entire area of work to a height of 6 inches or less per the CFC 4907.1;
- Provide a minimum clear width of 30 feet around property lines perimeter required by the CFC 4907.2; and
- Remove dead vegetation from the property per CFC 4910.2.2.3;

Board approval is required because the total contract amount exceeds the \$25,000 threshold for contracted services. The Chancellor recommends approval.

**SOURCE OF FUNDS (AND FISCAL/BUDGETARY IMPACT):**

General Fund

**BACKGROUND/ANALYSIS:**

After a fire inspection, the Oakland Fire Department issued a citation to the District to take immediate corrective actions to comply with California Fire Codes. As required by the California Public Contract Code, Section 20654, the administration will obtain approval from the Governing Board of Trustees and the County of Superintendent of Alameda to award this emergency service contract without advertising.

*20654. (a) In an emergency when any repairs, alterations, work, or improvement is necessary to any facility of the college, or to permit the continuance of existing college classes, or to avoid danger to life or property, the board may by unanimous vote, with the approval of the county superintendent of schools, do either of the following: (1) Make a contract in writing or otherwise on behalf of the district for the performance of labor and furnishing of materials or supplies for the purpose without advertising for or inviting bids. (2) Notwithstanding Section 20655, authorize the*

use of day labor or force account for the purpose. (b) Nothing in this section shall eliminate the need for any bonds or security otherwise required by law.

**DELIVERABLES AND SCOPE OF WORK:**

The contractor will clear and cut weeds and hazardous vegetation as described under the Item Summary per the Report of Fire Inspection provided by the Oakland Fire Department.

**ANTICIPATED COMPLETION DATE:**

As an emergency project, the work must be completed right away. The contract termination date is set for June 30, 2016, for payment processing.

**ALTERNATIVES/OPTIONS:**

Not Applicable

**EVALUATION AND RECOMMENDED ACTION:**

The administration recommends the approval of this contract so the contractor can start work straightaway.

**OTHER DEPARTMENTS IMPACTED BY THIS ACTION (E.G. INFORMATION TECHNOLOGY):**

YES \_\_\_\_\_ No   X  

**COMMENTS:**

Not Applicable

**WHO WILL BE PRESENTING THIS ITEM AT THE BOARD MEETING?** Vice Chancellor Ikharo

(\*\*\*\*\*Board contract approval is subject to negotiation and execution by the Chancellor.)

**DOCUMENT PREPARED BY:**

Prepared by: Dr. Sadiq B. Ikharo Date: October 7, 2015  
Vice Chancellor of General Services

**DOCUMENT PRESENTED AND APPROVED BY:**

Presented and approved by: Dr. Sadiq B. Ikharo Date: October 7, 2015  
Vice Chancellor of General Services

**FINANCE DEPARTMENT REVIEW**

  X   Finance review required      \_\_\_\_\_ Finance review *not* required

If Finance review is required, determination is:   X   Approved      \_\_\_\_\_ Not Approved

If not approved, please give reason: \_\_\_\_\_

Signature: Susan Rinne

Ronald Little II , Vice Chancellor for Finance and Administration

**GENERAL COUNSEL (Legality and Format/adherence to Education Codes):**

Legal review required

Legal review *not* required

If Legal review is required, determination is:

Approved

Not Approved

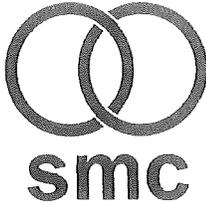
Signature: *Thuy Thi Nguyen*  
Thuy Thi Nguyen, General Counsel

**CHANCELLOR'S OFFICE APPROVAL**

Approved, and Place on Agenda  
Agenda

Not Approved, but Place on

Signature: *Jowel C. Laguerre*  
Dr. Jowel C. Laguerre, Chancellor



Suarez & Muñoz Construction, Inc.  
General Engineering and Landscape Contractors  
20975 Cabot Blvd., Hayward, CA 94545-1155  
Lic. No. 873996, Class A, B, C8, C27  
(510) 782-6065  
(510) 782-6078 FAX  
Union - Operating Engineers & Laborers

Bid Date: September 3, 2015

Project: Merritt College Clearing and Grubbing

To: Peralta Community College District

Attn: Olivia Rocha

Item	Description	Quantity	Units	Unit Price	Extension
1	Clearing and Grubbing	39000	SF	\$0.99	\$ 38,610
				<b>Total</b>	<b>\$ 38,610</b>

**Clarifications/Notes:**

Approximately 39000 SF of clearing and grubbing.

The area to be cleared is SE of "Lot B"

Please reference sketch for limit of work.

**Inclusions:**

Clearing and Grubbing 30' from the edge of path way as indicated in photo.

Offhaul of all materials

**Exclusions:**

Bond

Traffic/Pedestrian Control

Tree Removal

**Notes:**

Bid Proposal valid for 90 days.

If you have any questions or need any further information please give me a call at (510) 782-6065:

Thank you,

*Suarez & Munoz Construction, Inc.*

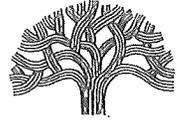
Alfred Lee

[Alfred@suarezmunoz.com](mailto:Alfred@suarezmunoz.com)

510.774.3301



Oakland Fire Department, Fire Prevention Bureau  
 250 Frank H. Ogawa Plaza, Ste. 3341  
 Oakland, CA 94612-2032



(510) 238-3851  
 TTY (510) 238-6884

## Report of Fire Inspection

Date 8/3/2015

PERALTA JUNIOR COLLEGE DISTRICT  
 900 FALLON ST  
 OAKLAND CA 94607-4808

Facility / Site Location  
 LEONA ST  
 OAKLAND CA 94608

Pursuant to OMC Sec. 15.12, a Vegetation inspection was conducted on 8/3/2015 at the site location which found the facility to be Non-Compliant with City of Oakland fire regulations. In accordance with CFC 104.5 you are hereby ordered to immediately correct all upon receipt of this notice. Failure to comply with this lawful order may result in a citation to appear in Municipal Court, plus additional fees and civil penalties.

Deficiency Corrective Action	Deficiency Status Location
CFC 4907.1	
CFC 4907.1 Clear all weeds and hazardous vegetation on the entire lot to a height of 6" or less. <i>This area has several walking trails. During the inspection, cigarette butts and bonfire rings were observed in violation of sections 307.4.2 CFC (recreational fires prohibited) and 310.2 CFC, smoking prohibited in wildland interface areas. Brush removal is immediately required on this parcel. - V Crudele, Acting Assistant Fire Marshal</i>	Unsatisfactory Entire parcel is overgrown
CFC 4907.2	
CFC 4907.2 Provide a minimum clear width of 30' around property line perimeter.	Unsatisfactory Entire parcel
CFC 4910.2.2.3	
CFC 4910.2.2.3 Remove dead/dying vegetation from property	Unsatisfactory Entire parcel

An inspection has been scheduled to determine if you have complied with this order on . The inspection/permit fees will be invoiced at a later date. If any violations are found during the reinspection, additional inspection fees and penalties will be charged.

Should you have any questions, please call (510) 238-3851 or send email to [vcrudele@oaklandnet.com](mailto:vcrudele@oaklandnet.com)

Sincerely,

Crudele, Vincent, Manager  
 Oakland Fire Department

Inspection Ref # 2015-06351



PERALTA COMMUNITY COLLEGE DISTRICT  
Office of General Services

October 21, 2015

Karen Monroe, Superintendent  
Alameda County Office of Education  
313 W. Winton Avenue  
Hayward, CA 94544-1136

Dear Superintendent Monroe:

**Subject: Need Superintendent Approval on an Emergency Service Contract with Suarez & Munoz Construction Inc. to Clear All Weeds and Hazardous Vegetation in the Wildland Interface Areas around Merritt College.**

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**Request:** In accordance with Section 20654 of the California Public Contract Code, your approval as Alameda County Superintendent of Schools is required to award an emergency service contract without advertising for the above project. The District's Governing Board of Trustees approved this action item at the October 20, 2015, board meeting.

*20654. (a) In an emergency when any repairs, alterations, work, or improvement is necessary to any facility of the college, or to permit the continuance of existing college classes, or to avoid danger to life or property, the board may by unanimous vote, with the approval of the county superintendent of schools, do either of the following: (1) Make a contract in writing or otherwise on behalf of the district for the performance of labor and furnishing of materials or supplies for the purpose without advertising for or inviting bids. (2) Notwithstanding Section 20655, authorize the use of day labor or force account for the purpose. (b) Nothing in this section shall eliminate the need for any bonds or security otherwise required by law.*

**Introduction:** The Oakland Fire Department issued a citation to the District for immediate weed abatement in the wildland area due to high fire danger to the college and the neighbors. On August 3, 2015, the Oakland Fire Department (Fire Prevention Bureau) conducted a vegetation inspection at the site, and discovered that site to be non-compliant with the City of Oakland fire regulations. The District must immediately correct the problem in accordance with the California Fire Codes (CFC). Therefore, as an emergency project, one contractor was asked to abate the weeds to meet the CFC.

**Contracting Reasons:** As allowed under Public Contract Code, Section 20654, contracting this emergency project without advertising or inviting bids is justifiable for the following reasons:



PERALTA COMMUNITY COLLEGE DISTRICT  
Office of General Services

- Immediacy: There is an urgent need for the District to immediately to clear all weeds and hazardous vegetation to correct the citation from the Oakland Fire Department and comply with the California Fire Codes.
- Impracticability/Unavailability: Competitive solicitation is not acceptable for this emergency project, since it will delay the corrective action to mitigate the problem.
- Exigency: It is in the best interest of the District and public safety to approve this emergency service contract with Suarez and Munoz.

Please contact the Vice Chancellor for General Services, Dr. Sadiq B. Ikharo, if you have any questions regarding this request (at 510-466-7336 or sikharo@peralta.edu). We would appreciate your prompt response and approval on this matter.

**PERALTA COMMUNITY COLLEGE DISTRICT (DISTRICT):**

By: \_\_\_\_\_  
Dr. Jowel C. Laguerre  
Its: Chancellor, Authorized Agent

Dated: \_\_\_\_\_

**ALAMEDA COUNTY OFFICE OF EDUCATION:**

By: \_\_\_\_\_  
Karen Monroe, Superintendent

Dated: \_\_\_\_\_

cc: Dr. Sadiq B. Ikharo, Vice Chancellor of General Services