

BOARD OF EDUCATION
SYLVAN UNION SCHOOL DISTRICT
MODESTO, CALIFORNIA

In the Matter of Delegation of _____)
Authority to Approve Construction _____) **RESOLUTION #2019-20 - #04**
Contract Change Orders _____)

WHEREAS, Public Contract Code section 20118.4 authorizes a governing board of a school district to proceed with performance of a change or alteration in a construction contract as a contract amendment (commonly referred to singularly as "change order" or in plural as "change orders") without the formality of securing bids, if the cost agreed in writing with the contractor, does not exceed ten percent (10%) of the original contract price; and

WHEREAS, the governing board desires to authorize a person, or persons, to approve construction contract change orders and payment thereon up to ten percent (10%) of the project's original contract price so as to avoid delays and expense in the completion of construction projects; and

WHEREAS, construction contract change orders whose value exceeds ten percent (10%) of the project's original contract price may, in limited circumstances, be approved by a school district governing board without formal competitive bidding; and

WHEREAS, Education Code sections 17604 and 35161 authorize a school district governing board to delegate to an officer or employee of the school district the power to execute contracts on behalf of the school district; and

WHEREAS, Education Code section 17604 provides that any contract executed pursuant to such delegation of authority is unenforceable against the school district unless it is thereafter approved or ratified by the school district governing board;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Education of the Sylvan Union School District does hereby authorize the Superintendent and the Assistant Superintendent of Business Services, individually, to approve construction contract change orders and payment thereon when the cost of an individual construction change order does not exceed Twenty-Five Thousand Dollars (\$25,000) and does not trigger the cumulative change order rate to initially exceed ten percent (10%) of the original contract price, provided that such change orders must be thereafter submitted to the Board of Education for ratification.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board of Education of the Sylvan Union School District does hereby authorize the Superintendent and the Assistant Superintendent of Business Services, individually, to approve construction contract change orders and payment thereon when the cumulative change order rate already exceeds ten percent (10%) of the original contract price, provided that such change orders must be thereafter submitted to the Board of Education for ratification. This delegation of authority is subject to the following conditions and limitations:

1. The changed or additional work is necessitated as a result of an unforeseen condition or emergency; and
2. Such changed or additional work is incidental to, and does not substantially modify, the original work; and
3. (a) Due to operational considerations the changed or additional work can only be performed by the existing general contractor; or

(b) Letting the changed or additional work through formal competitive bidding will unreasonably delay or interfere with the timely completion of the project; or

(c) The delay in letting the changed or additional work through formal competitive bidding will result in unreasonable monetary contractual delay damages; and
4. The cost of the changed or additional work per each change order does not exceed Twenty-Five Thousand Dollars (\$25,000).

PASSED AND ADOPTED by the Board of Education of the Sylvan Union School District, Modesto, California, at a public meeting thereof duly called and held this 6th day of August, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

STATE OF CALIFORNIA)
COUNTY OF STANISLAUS)

I, Debra Hendricks, Secretary to the Board of Education, Sylvan Union School District, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by said board at a meeting thereof held on the day and by the vote above stated, which resolution is on file with the minutes of said meeting.

Secretary, Board of Education
Sylvan Union School District