

**RESOLUTION NO. 20-21-12 OF BENICIA UNIFIED SCHOOL DISTRICT
AUTHORIZING COMPETITIVE NEGOTIATION FOR E-RATE PRIORITY ONE DATA
CIRCUITS
(PUBLIC CONTRACT CODE SECTION 20118.2)**

WHEREAS, the State Legislature has recognized that it is in the public's best interest to allow school districts to consider factors other than price in the procurement of certain technological supplies, services, equipment and maintenance of said equipment; and

WHEREAS, following the adoption by a school district's governing board of certain findings, Public Contract Code section 20118.2 authorizes such procurement through a competitive negotiation process; and

WHEREAS, the District wishes to contract for the installation and lease of data circuits to be located at each school in the District plus District Administrative sites; and

WHEREAS, the installation and lease of data circuits requires specialized equipment and software, and qualifies for procurement through the legislatively authorized competitive negotiation process set forth in Public Contract Code section 20118.2; and

WHEREAS, the District shall, after the competitive negotiation process, award a contract for the installation and lease of data circuits to the qualified bidder(s) whose proposal(s) are the most advantageous to the District with price and all other factors being considered; and

WHEREAS, the District shall, authorize District staff to sign the agreements after the bidding period is concluded and are awarded to the contractor(s) who provide the best value to the District and before the end of the E-rate Form 471 filing window; and

NOW THEREFORE BE IT RESOLVED that the Board of Education of the Benicia Unified School District hereby finds, determines, and orders as follows:

1. The foregoing recitals are adopted as true and correct.
2. The installation and lease of data circuits as described in the recitals in subdivision (b) of Public Contract Code section 20118.2, and furthermore such equipment and services are not available in substantial quantities to the general public, and therefore the Board finds that the District's procurement of such system or systems qualifies under subdivision (b) of Public Contract Code section 20118.2 for purchase through competitive negotiation as described in subdivision (d) of Public Contract Code section 20118.2, and the Board does hereby authorize such procurement.
3. The Superintendent, or designee, is authorized to engage in a competitive negotiation process in compliance with Public Contract Code section 20118.2 for the procurement and implementation of an installation and lease of data circuits as described in the recitals.
4. The Superintendent, or designee, shall recommend to the Board a qualified bidder for award of a contract for the installation and lease of data circuits, which contract(s) will be the most advantageous to the District with price and all other factors being considered.
5. The Board reserves the right to reject all proposals submitted, pursuant to Public Contract Code section 20118.2.
6. The Superintendent, or designee, is authorized and directed to take such further actions as may be necessary or convenient to carry out said procurement and implementation of the installation and lease of data circuits and signing of the contract(s) thereof.

7. This Resolution shall take effect immediately upon its adoption.

IN WITNESS THEREOF, we approved the above on a vote of _____ Ayes _____ Noes, _____ Absent, and _____ Abstain, during a duly noticed meeting of the Board on February 14, 2021.

SO ORDERED.

Sheri Zada, BUSD Board President

BENICIA UNIFIED SCHOOL DISTRICT
SOLANO COUNTY, CALIFORNIA