

**SAN MATEO UNION HIGH SCHOOL DISTRICT**

**RESOLUTION NO. 20-21-08**

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE SAN MATEO UNION HIGH SCHOOL DISTRICT AUTHORIZING AWARD OF CONTRACT FOR DESIGN-BUILD SERVICES FOR THE DISTRICT OFFICE PARKING LOT SOLAR ARRAY PROJECT TO INTERMOUNTAIN ELECTRIC COMPANY BASED ON FINDING AND DETERMINING THAT A COMPETITIVE MARKET DOES NOT EXIST FOR SUCH SERVICES AND THAT NO COMPETITIVE ADVANTAGE WILL BE GAINED BY THE PUBLIC BIDDING PROCESS**

**WHEREAS**, on or around October 2019, the San Mateo Union High School District (“District”) issued a request for qualifications/proposals (“RFQ/P”) for a design-build services contract for the District Office Parking Lot Solar Array project (“Project”);

**WHEREAS**, the District received a single proposal in response to the RFQ/P for the Project;

**WHEREAS**, the sole proposal was submitted by Sunterra Solar Inc. (“Sunterra”);

**WHEREAS**, in December 2019, the Board of Trustees (“Board”) of the District approved the award of design-build services contract for the Project to Sunterra for a contract price of \$372,810.00;

**WHEREAS**, Sunterra subsequently advised the District that it could no longer complete the Project on the required schedule that had been set forth in the RFQ/P;

**WHEREAS**, Sunterra did not perform any work on the Project and the award of the contract between the District and Sunterra is being terminated for convenience, pursuant to the terms of the RFQ/P for the reason set forth above;

**WHEREAS**, in consideration of the single proposal received in response to the RFQ/P, competition was determined to be inadequate;

**WHEREAS**, the District subsequently solicited a proposal for the Project from InterMountain Electric Company (“InterMountain”);

**WHEREAS**, on September 22, 2020, InterMountain submitted a proposal for the Project in the amount of \$265,000.00;

**WHEREAS**, the Board has determined that a competitive market does not exist for design-build services for solar array carports, and that no competitive advantage will be gained by the public bidding process.

**NOW, THEREFORE, BE IT RESOLVED, FOUND AND DETERMINED BY THE BOARD AS FOLLOWS:**

**SECTION 1. Recitals.** All the recitals in this Resolution above are true and correct.

**SECTION 2. No Competitive Advantage Findings and Determinations.** The Board finds and determines as follows: (a) after receiving a single proposal in response to the RFQ/P for the Project, competition is determined to be inadequate; and (b) a competitive market does not exist for design-build services for solar array carports, and that no competitive advantage will be gained by the public bidding process.

**SECTION 3. Authorizing Award of Contract to InterMountain.** Based on the findings and determinations in Section 2, above, the Board authorizes awarding the contract for design-build services for the District Office Parking Lot Solar Array Project to Intermountain Electric Company, substantially in the form attached to the RFQ/P, as applicable, which is attached hereto as Exhibit A. The District Superintendent, or his designee, is authorized to take all actions reasonably necessary to ensure full execution of the design-build contract.

**SECTION 4. Effective Date.** This Resolution is effective immediately upon its adoption.

PASSED, ADOPTED AND APPROVED this 21<sup>st</sup> day of January, 2021, by the following vote:

AYES:	MEMBERS	_____
NOES:	MEMBERS	_____
ABSTAIN:	MEMBERS	_____
ABSENT:	MEMBERS	_____

\_\_\_\_\_  
President of the Board of Trustees

ATTEST:

\_\_\_\_\_  
Secretary to the Board of Trustees

SECRETARY'S CERTIFICATE

I, Dr. Kevin Skelly, Secretary to the Board of Trustees of the San Mateo Union High School District, San Mateo County, California, hereby certify as follows:

The foregoing is a full, true and correct copy of a Resolution duly adopted at a regular meeting of the Board of Trustees of said District duly and regularly and legally held at the regular meeting place thereof on January 21, 2021, of which meeting all of the members of the Board of said District had due notice and at which a quorum was present.

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original Resolution adopted at said meeting and entered in said minutes.

Said Resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: \_\_\_\_\_, 2021

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Secretary to the Board of Trustees of the San Mateo  
Union High School District

**EXHIBIT A**

(RFQ/P for Design-Build Services Contract for  
District Office Parking Lot Solar Array Project)

See Attached