

**Resolution Declaring Emergency and Authorizing Contract with Matrix HG, Inc. For The Replacement of Temperature Controls Without Advertising for Bids at Rincon Valley Middle School.**

**WHEREAS**, Public Contract Code section 20113 provides that school districts, when any work is necessary to permit the continuance of existing school classes, or to avoid danger to life or property, may, by unanimous vote, with the approval of the county superintendent of schools, either:

- (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) authorize the use of day labor or force account for the purpose;

**WHEREAS**, the existing temperature control system used at 90 different control locations at Rincon Valley Middle School has failed or are failing. The existing system at this location is outdated, and as a result, only used (and unreliable) parts would be available to repair the existing system. As a result, the District's most reasonable solution is to remove and replace the existing control system with a new temperature control system at these locations;

**WHEREAS**, Matrix HG, Inc. is a fully licensed contractor, and has provided a proposal to replace these controls, including pricing and service. The pricing for the work has been scrutinized by staff, and the District's Architect of Record, and both staff and the Architect believe the pricing is reasonable. The estimated cost for the work is \$268,453.

**WHEREAS**, putting the work out to bid would require approximately 4-6 weeks to prepare and publish a bid packet, provide contractors a reasonable opportunity to lodge any bid protests, and ratify a final contract award at a subsequent meeting of the Board of Trustees ("Board");

**WHEREAS**, the District must have a temperature control system in place during these last critical weeks of school. Historical temperatures in Santa Rosa during late May and early June have reached highs of 97 degrees in 2013 and 2016, and 100 degrees in 2001. The classes held in these final weeks of school are particularly important as students prepare for exams. Holding classes in such conditions without temperature controls would compromise the effectiveness of the classes and pose a danger to students and staff.

**WHEREAS**, the District has adopted the California Uniform Public Construction Cost Accounting Act (Pub. Contract Code, § 22000, et seq., "CUPCCAA"), which would otherwise require formal competitive

bidding for construction contracts over \$200,000, and informal bidding for construction contracts over \$60,000, except in cases of emergencies pursuant to Public Contract Code § 22050 which requires a four-fifths vote of the Board; and

**WHEREAS**, District staff will seek the approval of the Sonoma County Superintendent of Schools to perform this project without competitive bidding;

**NOW, THEREFORE,** the Board of the District hereby finds, determines, declares and resolves as follows:

1. That the Board declares an emergency and finds that performing this work without bidding is necessary to permit the continuance of classes, and avoid danger to life and property;
2. That the Board directs staff to seek approval from the Sonoma County Superintendent of Schools:
3. Contingent upon approval from the Sonoma County Superintendent of Schools, the Board approves the agreement to perform this work with Matrix HC (which has been presented concurrently with this resolution), and authorizes the Superintendent or designee to sign such contract and take such further action as necessary to complete the work.
4. Effective Date: This Resolution shall be effective as of date of its adoption.

**PASSED, APPROVED, AND ADOPTED** this 11<sup>th</sup> day of March 2020, by the following vote:

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSENT: \_\_\_\_\_  
ATTEST: \_\_\_\_\_

Adopted by the Governing Board of Santa Rosa City Schools on 11th day of the month of March in 2020.

Alegría De La Cruz, Clerk of the Board

Date \_\_\_\_\_