

RESOLUTION NO. 19-003

**BERKELEY UNIFIED SCHOOL DISTRICT
DESIGNATION OF SPECIFIC MATERIAL, PRODUCT, THING, OR SERVICE
FOR CONSTRUCTION CONTRACT
ALLEGION SCHLAGE ND SERIES GRADE 1 CYLINDRICAL LOCKS, L SERIES MORTICE LOCK, VON
DUPRIN 99 SERIES AND PRECISION 2100 SERIES EXIT DEVICES
(WITH PRIMUS CYLINDER SET)**

WHEREAS, pursuant to applicable law, the Berkeley Unified School District (“District”) will be awarding a contract, or contracts, for construction and/or modernization of improvements at the District’s school sites (collectively “Project”).

WHEREAS, pursuant California Public Contract Code section 3400 (“PCC section 3400”) and other applicable law, the District wishes to, in specific instances, designate specific materials, products, things, or service in its bids or requests for proposals.

WHEREAS, PCC section 3400 states that a school district cannot limit “the bidding, directly or indirectly, to any one specific concern,” when letting “contracts for the construction, alteration, or repair of public works,” unless the District makes a finding that is described in the invitation for bids or proposals that a particular material, product, thing, or service is designated by specific brand or trade name for any of the following purposes:

- “In order that a field test or experiment may be made to determine the product's suitability for future use.” (PCC section 3400(c)(1))
- “In order to match other products in use on a particular public improvement either completed or in the course of completion.” (PCC section 3400(c)(2))
- “In order to obtain a necessary item that is only available from one source.” (PCC section 3400(c)(3))
- In order to respond to certain emergency situations. (PCC section 3400(c)(4))

WHEREAS, the District desires to list ALLEGION SCHLAGE ND SERIES GRADE 1 CYLINDRICAL LOCKS, L SERIES MORTICE LOCK, VON DUPRIN 99 SERIES AND PRECISION 2100 SERIES EXIT DEVICES (“Hardware”) as the only acceptable material, product, thing, or service for the Project, in order to perform a safety upgrade to classroom locks and will perform additional construction projects in the future in order to match existing products in use at the District.

WHEREAS, the “Hardware” is already in use at all District facilities, previously installed as part of a safety upgrade program, and the District desires to continue using the “Hardware” at the District’s remaining facilities to match, and for efficiency and ease of maintenance, ordering parts, and interchangeability of parts.

WHEREAS, the District desires to list the “Hardware” as the only acceptable material, product, thing, or service for the Project, in order to perform upgrades or replacement of classroom locks.

WHEREAS, the “Hardware” is already in use at most District facilities, previously installed as part of an upgrade program, and the District desires to continue using the “Hardware” at the District’s remaining facilities to match, and for efficiency and ease of maintenance, ordering parts, and interchangeability of parts.

WHEREAS, based upon its review and analysis, District staff recommends and requests that the Board determine and establish that the “Hardware” be designated for the Projects.

NOW, THEREFORE, the Governing Board of the Berkeley Unified School District hereby finds, determines, declares, orders, and resolves as follows:

Section 1. That the above recitals are true and correct.

Section 2. That the “Hardware” is the only acceptable material, product, thing, or service for the Projects, because the “Hardware” is already in use at District facilities and must be used in order to match other products in use on District public improvements either completed or in the course of completion and for efficiency and ease of maintenance, ordering parts, and interchangeability of parts.

Section 3. That the District’s Superintendent, or designee, is authorized and directed to take all steps and perform all actions necessary to carry out, give effect to, and comply with the terms and intent of this Resolution.

APPROVED, PASSED, AND ADOPTED by the Governing Board of the Berkeley Unified School District on October 10, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Beatriz Leyva-Cutler
Clerk, Board of Education
Berkeley Unified School District