

**SYLVAN UNION SCHOOL DISTRICT**  
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**MAKING FINDINGS PERTAINING TO**  
**DESIGNATION OF SPECIFIC MATERIAL, PRODUCT, THING,**  
**OR SERVICE FOR USE ON MAINTENANCE PROJECTS**

**WHEREAS**, the Board of Trustees of the **SYLVAN UNION SCHOOL DISTRICT** (“District”) conducts maintenance on its school facilities on a District-wide basis (“Maintenance Projects”); and

**WHEREAS**, pursuant to applicable law, the District will be awarding contracts for construction, alteration or repair of school facilities to various contractors in furtherance of its Maintenance Projects; and

**WHEREAS**, pursuant to California Public Contract Code section 3400 (“PCC § 3400”) and other applicable law, the District wishes to, in specific instances, list and/or designate in its bids or requests for proposals on the Maintenance Projects, one specific material, product, thing, or service; and

**WHEREAS**, PCC § 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”; and

**WHEREAS**, PCC § 3400 states that if a school district designates a material, product, thing, or service by a specific name or brand, the specification shall be “followed by the words ‘or equal’ so that bidders may furnish any equal material, product, thing, or service”;

**WHEREAS**, PCC § 3400 states that its restrictions on the listing of only one specific name or brand are inapplicable if the awarding authority, or its designee, makes a finding that is described in the invitation for bids or request for 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 § 3400 (b)(1));
- In order to match other products in use on a particular public improvement either completed or in the course of completion (PCC § 3400 (b)(2));
- In order to obtain a necessary item that is only available from one source. (PCC § 3400 (b)(3)); or
- In order to respond to an emergency declared by a local agency, but only if the declaration is approved by a four-fifths vote of the governing board of the local agency issuing the invitation for bid or request for proposals (PCC § 3400 (b)(4)(A);

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**WHEREAS**, On the District's Maintenance Projects, the District desires to list the following as the only acceptable material, product, thing, or service for use on the Maintenance Projects, because these items are a match for other product(s) in use on a particular public improvement either completed or in the course of completion:

<u>Product</u>	<u>Manufacturer/Model Number</u>
Locksets	Schlage ND Series / Sargent
Exit Devices	Von Duprin Series 99/Sargent
Door Closers	LCN 4011 Series
Key System	Schlage "Everest"
Irrigation Controls	Hunter ACC Metal (IMMS Compatible)
Sprinklers	Hunter Pro-Spray PGP I-25
Urinals	Kohler 4991-ET
Faucets	Chicago or American Standard
Flush Valves	Sloan (Royal)
Drinking Fountains (Refrigerated)	Elkay/Haws
Drinking Fountains (Non-Refrigerated)	Haws
Energy Management System	Johnson Controls "Metasys"
Fire Alarm System	Siemens MXL
Security System	Sonitrol Alarms
Public Address System	Bogen Multicom 2000

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Telephone System	Toshiba Digital CTX670
Roof Hatch	Lane-Aire (RHG)
HVAC	Rheem / Ruud
HVAC (VRF Units)	York/JCI

**NOW, THEREFORE BE IT RESOLVED** that the Board of Trustees of the **SYLVAN UNION 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 herein-identified items are the only acceptable materials, products, things, or services for use on the Maintenance Projects because these items are a match for other product(s) in use on a particular public improvement either completed or in the course of completion.

**Section 3.** That the District shall list in its invitation for bids or request for proposals and on the plans and specifications for the District's Maintenance Projects, each of the herein-identified items as the only acceptable materials, products, things, or services for use on the Maintenance Projects, because they are a match for other product(s) in use on a particular public improvement either completed or in the course of completion

**Section 4.** That the District's Superintendent and/or his designee are authorized pursuant to this Resolution to take any action which is necessary to carry out, give effect to, and comply with the terms and intent of this Resolution.

**Section 5.** That the District shall review this Resolution on an annual basis and commit to the above-listed acceptable materials, products, things, or services for use on the Maintenance Projects for a period of one-year from the date this Resolution was adopted by the Board of Trustees.

**THE FOREGOING RESOLUTION** was introduced at a Regular Meeting of the **SYLVAN UNION SCHOOL DISTRICT** Board of Trustees held on the 13<sup>th</sup> day of November, 2018, by Board Member , who made the motion, which motion being duly seconded by Board Member , was upon roll call, carried into Resolution and passed by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTENTIONS:**

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**I, DEBRA M. HENDRICKS**, Secretary of the Board of Trustees, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Board of Trustees of the **SYLVAN UNION SCHOOL DISTRICT** at a regular meeting of November 13, 2018, which Resolution is on file in office of said Board.

**DATE:** November 13, 2018

**SIGNED:** \_\_\_\_\_

Debra M. Hendricks  
Secretary, Board of Trustees