

A SPECIAL

THURSDAY, APRIL 14, 2022

ROLL CALL

The Newark Board of Education met in Special Session on Thursday, April 14, 2022 at 11:30 a.m. and the following responded to roll call: Mr. Bline, Mr. Blowers Mr. Christenberry, Mr. Weber, Mr. Carr.

AWARDING OF CONTRACT TO REPLACE CHILLER’S CONDENSING SYSTEM

Mr. Bline_ introduced the following resolution and moved its passage:

RESOLUTION NO. _22-021__

APPROVING AND AUTHORIZING CONTRACTOR FOR THE DISTRICT’S CHILLER PROJECT BASED ON THE EXISTENCE OF AN URGENT NECESSITY/PUBLIC EXIGENCY

The Superintendent recommends contracting with Johnson Laux Construction (the “Contractor”) for work on the District’s Chiller Project (the “Project”) based upon the urgent necessity and public exigency exceptions to competitive bidding. The Superintendent requests authority for the Superintendent and Treasurer to negotiate and enter into an agreement with the Contractor for these services in an amount not to exceed \$1,623,444.00.

Rationale:

1. The Board previously identified a need to replace the chillers as part of its strategy to mitigate the impact of COVID-19 at Newark High School, Ben Franklin Elementary School, Carson Elementary School, Cherry Valley Elementary School, Hillview Elementary School, Legend Elementary School, Heritage Middle School, Wilson Middle School, and Liberty Middle School for the Project.
2. The Board requires the services of a contractor to provide construction and related services for work on the Project. The District will utilize Federal grant funding for the Project.
3. The Project needs to be completed as soon as possible as the HVAC systems are a critical component of the District’s operations. Based on information solicited by the District, materials and equipment must be ordered immediately in order to complete the Project prior to the start of the 2022-2023 school year as severe supply chain disruptions have resulted in long delays in the acquisition of materials. The Project must also be within the District’s budget so as to not negatively impact the District’s educational programs. Bidding the work will delay Project completion and will not guarantee that lower bids will be received for the work, especially in light of the unprecedented material and labor shortages and increased costs as a result of COVID-19. This

A SPECIAL

THURSDAY, APRIL 14, 2022

- 4. situation presents an urgent necessity under R.C. 3313.46 and public exigency under 2 C.F.R. § 200.320(c)(3).
- 5. The Contractor has provided a proposal for the Project in the amount of \$1,623,444.00 for chiller replacement at Newark High School, Liberty Middle School, and Wilson Middle School, which is pricing in line with the competitive pricing provided by the Contractor to entities participating in The Equalis Group, a purchasing cooperative with which the Contractor holds a contract. Thus, the pricing provided for this Project is of an appropriately competitive nature.

The Newark City School District Board of Education resolves as follows:

- 1. Based upon the information provided and exercising the authority given in ORC 3313.46, the Board declares an urgent necessity, and declares a public exigency under 2 CFR § 200.320(c)(3), and authorizes the use of noncompetitive procurement.
- 2. The Board authorizes the Superintendent, Treasurer, and other officials and administrators to work with legal counsel to negotiate and sign the agreement with the Contractor and other documents that may be necessary to fully execute the agreement on behalf of the Board in the amount not to exceed \$1,623,444.00.

Mr. Weber seconded the motion and, after discussion, a roll call vote was taken and the results were:

Ayes: All Nays: None

The resolution passed.

Ayes: Mr. Bline, Mr. Weber, Mr. Blowers, Mr. Christenberry, Mr. Carr
 Nays: None
 Absent: None
 Motion Carried.

Mr. Bline introduced the following resolution and moved its passage:

RESOLUTION NO. 22-022

APPROVING AND AUTHORIZING CONTRACTOR FOR THE DISTRICT'S CHILLER PROJECT BASED ON THE EXISTENCE OF AN URGENT NECESSITY/PUBLIC EXIGENCY

A SPECIAL

THURSDAY, APRIL 14, 2022

The Superintendent recommends contracting with Trane U.S., Inc. (the "Contractor") for work on the District's Chiller Project (the "Project") based upon the urgent necessity and public exigency exceptions to competitive bidding. The Superintendent requests authority for the Superintendent and Treasurer to negotiate and enter into an agreement with the Contractor for these services in an amount not to exceed \$2,045,021.00.

Rationale:

6. The Board previously identified a need to replace the chillers as part of its strategy to mitigate the impact of COVID-19 at Newark High School, Ben Franklin Elementary School, Carson Elementary School, Cherry Valley Elementary School, Hillview Elementary School, Legend Elementary School, Heritage Middle School, Wilson Middle School, and Liberty Middle School for the Project.
7. The Board requires the services of a contractor to provide construction and related services for work on the Project. The District will utilize Federal grant funding for the Project.
8. The Project needs to be completed as soon as possible as the HVAC systems are a critical component of the District's operations. Based on information solicited by the District, materials and equipment must be ordered immediately in order to complete the Project prior to the start of the 2022-2023 school year as severe supply chain disruptions have resulted in long delays in the acquisition of materials. The Project must also be within the District's budget so as to not negatively impact the District's educational programs. Bidding the work will delay Project completion and will not guarantee that lower bids will be received for the work, especially in light of the unprecedented material and labor shortages and increased costs as a result of COVID-19. This situation presents an urgent necessity under R.C. 3313.46 and public exigency under 2 C.F.R. § 200.320(c)(3).
9. The Contractor has provided a proposal for the Project in the amount of \$2,045,021.00 for chiller replacement at Ben Franklin Elementary School, Carson Elementary School, Cherry Valley Elementary School, Hillview Elementary School, and Legend Elementary School, which is pricing in line with the competitive pricing provided by the Contractor to entities participating in OMNIA Partners, the purchasing cooperative program with which the Contractor holds a contract. Thus, the pricing provided for this Project is of an appropriately competitive nature.

The Newark City School District Board of Education resolves as follows:

3. Based upon the information provided and exercising the authority given in ORC 3313.46, the Board declares an urgent necessity, and declares a public exigency under 2 CFR § 200.320(c)(3), and authorizes the use of noncompetitive procurement.

A SPECIAL

THURSDAY, APRIL 14, 2022

13. solicited by the District, materials and equipment must be ordered immediately in order to complete the Project prior to the start of the 2022-2023 school year as severe supply chain disruptions have resulted in long delays in the acquisition of materials. The Project must also be within the District's budget so as to not to negatively impact the District's educational programs. Bidding the work will delay Project completion and will not guarantee that lower bids will be received for the work, especially in light of the unprecedented material and labor shortages and increased costs as a result of COVID-19. This situation presents an urgent necessity under R.C. 3313.46 and public exigency under 2 C.F.R. § 200.320(c)(3).
14. The Contractor has provided a proposal for the Project in the amount of \$377,604.00 for replacement of the Chiller at Heritage Middle School, which is pricing in line with the competitive pricing provided by the Contractor to entities participating in OMNIA Partners, a purchasing cooperative program with which the Contractor holds a contract. Thus, the pricing provided for this Project is of an appropriately competitive nature.

The Newark City School District Board of Education resolves as follows:

5. Based upon the information provided and exercising the authority given in ORC 3313.46, the Board declares an urgent necessity, and declares a public exigency under 2 CFR § 200.320(c)(3), and authorizes the use of noncompetitive procurement.
6. The Board authorizes the Superintendent, Treasurer, and other officials and administrators to work with legal counsel to negotiate and sign the agreement with the Contractor and other documents that may be necessary to fully execute the agreement on behalf of the Board in the amount not to exceed \$377,604.00.

Mr. Weber seconded the motion and, after discussion, a roll call vote was taken and the results were:

Ayes: All Nays: None

The resolution passed.

Ayes: Mr. Bline, Mr. Weber, Mr. Blowers, Mr. Christenberry, Mr. Carr

Nays: None

Absent: None

Motion Carried.

A SPECIAL

THURSDAY, APRIL 14, 2022

ADJOURNMENT

Mr. Blowers moved, and Mr. Christenberry seconded the motion to adjourn. Mr. Carr closed the meeting at 11:47 am.

Ayes: Mr. Blowers, Mr. Christenberry, Mr. Bline, Mr. Weber, Mr. Carr

Nays: None

Absent: None

Motion Carried.

Tim Carr, President

Julio Valladares, Treasurer

A SPECIAL