BEFORE THE GOVERNING BOARD OF
THE
JEFFERSON SCHOOL DISTRICT

RESOLUTION FOR APPROVAL OF AWARD OF CONTRACT FOR IMMEDIATE PROCUREMENT OF PPE INCLUDING TRANSPARENT BARRIERS TO FOSTER SAFER LEARNING AND TEACHING ENVIRONMENT DURING COVID-19 PANDEMIC; FUTILITY OF BIDDING

RESOLUTION NO. 2020-07-02

WHEREAS, the Governing Board of the Jefferson School District ("District") desires to provide the safest learning and teaching environment it can reasonably provide during the ongoing period of a global viral pandemic;

WHEREAS, deployment of certain PPE including transparent barriers is understood by the District to help limit the spread of virus by limiting the dispersion of exhalent particulates;

WHEREAS, in order for the District to provide safest learning and teaching environment it can reasonably provide during the current period of a global viral pandemic, it deems the said PPE including transparent barriers to be crucial and integral elements of limiting the spread of virus in District facilities;

WHEREAS, given the intense competition among purchasers to procure the said PPE including transparent barriers from limited suppliers and stocks, the District is informed and believes that suppliers are not responding to competitive solicitations;

WHEREAS, given the intense competition among purchasers to procure the said PPE including transparent barriers from limited suppliers and stocks, the District is informed and believes that suppliers are responding favorably only to negotiated procurement;

WHEREAS, given information and guidance recently received from the California Department of Education and California Department of Public Health regarding safe learning and teaching spaces during the ongoing period of a global viral pandemic, the said PPE including transparent barriers are crucial for providing the safest possible learning and teaching environment;

WHEREAS, given the urgency of procuring the said PPE including transparent barriers in sufficient time to deploy these systems prior to commencement of both distance and in-person learning and teaching, the District lacks the time necessary for experimental efforts to solicit competitive proposals, since none are anticipated to be submitted;

WHEREAS, pursuant to the doctrine existing under Los Angeles Dredging v. Long Beach, (1930) 210 Cal. 348, *Meakin v. Steveland*, (1977) 68 Cal.App.3d 490, and *Graydon v. Pasadena Redevelopment Agency*, (1980) 104 Cal.App.3d 631, public bidding is not required if it would work an incongruity, would be unavailing as affecting the final result, would produce no advantage to the District or the public fisc, and makes the procurement practically impossible;

NOW, THEREFORE, the Governing Board of the Jefferson School District does hereby find, resolve, determine, and order as follows:

Section 1. That all of the recitals set forth above are true and correct, and the Board so finds and determines.

Section 2. That competitive solicitation for procurement of the said PPE including transparent barriers would work an incongruity, would be unavailing as affecting the final result, would produce no advantage to the District or the public fisc, and render the procurement practically impossible.

Section 3. That the District approves the immediate negotiated procurement of the said PPE including transparent barriers without competitive bidding.

Section 4. That the Governing Board delegates to the Superintendent, or her designee, authority to execute all agreements and complete all necessary documents for the additional work and to otherwise fulfill the intent of this Resolution.

APPROVED, PASSED AND ADOPTED by the Governing Board of the Jefferson School District this 16 day of July, 2020, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAINED: _____

I, Debbie Wingo, President of the Jefferson School District Governing Board, do hereby certify that the foregoing is full, true, and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution if on file in office of said Board.

_____
President of the Board
Jefferson School District

I, Dan Wells, Clerk of the Board of Trustees of the Jefferson School District Governing Board, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the Board of Trustees of the Jefferson School District Governing Board at a regular meeting thereof held on the 16 day of July, 2020, by the above described vote of the Governing Board;

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Clerk of the Board
Jefferson School District