

Wolf Creek Local Board of Education
Special Meeting – May 21, 2020

CALL TO ORDER AND ROLL CALL

The Wolf Creek Local Board of Education met in special session on May 21, 2020 at 7:35 p.m. with the following members answering roll call: G. Adams; H. Arnold; J. Barnett; R. Doak; S. Lang.

PLEDGE OF ALLEGIANCE

PUBLIC DISCUSSION

Howard Offenberger spoke on behalf of Wolf Creek Contracting, they were disappointed in not given the chance to submit a proposal the project. Mr. Offenberger stated that they did put the initial budget together for xPert Engineering but were not aware the project went out for bid. Lance Debiticus, xPert Engineering responded to Mr. Offenberger and stated the initial budget Wolf Creek Contracting submitted was though to be the dollar amount they would submit for the proposal. Matt, senior estimator for Wolf Creek Contracting, stated that he thought local contractors were being ignored and should be given an opportunity to bid and thought that xPert Engineering would have informed him (Matt-Wolf Creek Contracting) when a formal bid would need to be submitted.

Mr. Hugh Arnold asked those present what they thought needed to be done to make this right and Matt stated Wolf Creek Contracting should be given the opportunity to bid on the project. Mr. Arnold apologized to Wolf Creek Contracting in what they felt like was not an opportunity to bid but the Board had two replicable companies submit their bid estimate and that he was going to proceed with the below resolution.

BUSINESS & FINANCIAL MATTERS:

RES. NO. 2020-075

Motion by Mr. Arnold seconded by Mr. Lang to approve the following resolution:

WAIVING COMPETITIVE BIDDING AND AUTHORIZING CONTRACT WITH JOHNSON CONTROLS FOR THE WATERFORD ELEMENTARY ENERGY UPGRADES PROJECT BASED UPON AN URGENT NECESSITY

The Superintendent recommends that the Board waive competitive bidding based upon an urgent necessity and authorize a contract with Johnson Controls for the Waterford Elementary Energy Upgrades Project.

Rationale:

1. The HVAC system at Waterford Elementary School is obsolete, requiring and immediate retrofit to the HVAC system to provide heating and cooling to the school.
2. The District solicited competitive proposals for this work, one of which was from Johnson Controls.
3. Johnson Controls is an experienced contractor for HVAC retrofit projects.
4. Johnson Controls has provided a proposal for the Waterford Elementary Energy Upgrades Project in the amount of \$4,355,500.00.
5. The work for the Project needs to be started prior to the 2021/2022 school year and within the District's budget so as to not to negatively impact the District's educational programs. Bidding the work will delay the Project completion, could result in higher costs, and will not guarantee that lower bids will be received for the work, especially in light of the declaration of emergency issued by the Governor related to COVID-19; this situation presents an urgent necessity for completing the project and waiving competitive bidding to contract for the work.
6. The Superintendent recommends waiving competitive bidding based upon the urgent necessity expectation in ORC Section 3313.46 so that Johnson Controls can work with District administrators to complete the work as soon as possible.
7. The Superintendent also requests authority to enter change orders on behalf of the Board in a total amount not to exceed 10% of the contract sum with Johnson Controls; change orders in excess of that amount will be brought to the Board for its approval.

The Wolf Creek Local School District Board of Education resolves as follows:

1. Based upon the information provided and exercising the authority given in ORC Section 3313.46, the Board declares an urgent necessity and waives competitive bidding in order to move forward with the Waterford Elementary Energy Upgrades Project.
2. The Board determines the proposal from Johnson Controls to be in its best interest.
3. The Board authorizes the Superintendent and the Treasurer to work with legal counsel to negotiate and execute a contract with Johnson Controls for the Waterford Elementary Energy Upgrades Project and to sign any related documents for the work in an amount not to exceed \$4,355,500.00.
4. The Board further authorizes the Superintendent and Treasurer to sign change orders related to the Waterford Elementary Upgrades Project in a total amount not to exceed 10% of the Contract Sum with Johnson Controls; should a change order exceed this amount individually or as the aggregate of change orders for the work, the change order will be brought to the Board for approval prior to the work being performed.

G. Adams, abstained; H. Arnold, yes; J. Barnett, no; R. Doak, no; S. Lang, no. Motion failed

ADJOURNMENT

RES. NO. 2020-076

Motion by Mr. Adams seconded by Mr. Barnett to adjourn the meeting at 8:00 p.m.

G. Adams, yes; H. Arnold, yes; J. Barnett, yes; R. Doak, yes; S. Lang, yes. Meeting adjourned.

President

Treasurer