

Durham Unified School District
Special Meeting of the Board of Trustees
Tuesday July 12, 2011
5:15 p.m.
District Boardroom

AGENDA

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ITEMS FROM THE PUBLIC

The law allows the public to address the governing board on any school district matter, whether or not it is on the agenda, but the law prohibits action or discussion by the Board on non-agenda items.

A person wishing to be heard by the Board shall first be recognized by the president and shall then proceed to comment as briefly as the subject permits. Individual speakers shall be allowed three minutes to address the Board on each agenda or non-agenda item. The Board shall limit the total time for public input on each item to 20 minutes. With Board consent, the president may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. The president may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add. (BB9323)

D. DISCUSSION/ACTION ITEMS:

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- 1) Resolution # 12-01: Resolution Acknowledging the existence of an emergency and authorizing the District to enter into a contract without advertising for or inviting bids to provide for the repair of Durham Intermediate School Gymnasium floor.** **1-2**

E. ADJOURNMENT OF SPECIAL MEETING

Notes:

**Agenda item documents are available for public inspection during regular business hours at the District Office.*

If you require special accommodations to participate in the meeting, please advise Becky Gordon, District Secretary, 48 hours in advance at 895-4675 x227.

DURHAM UNIFIED SCHOOL DISTRICT

GOVERNING BOARD RESOLUTION NO. 12-01

**RESOLUTION ACKNOWLEDGING THE EXISTENCE OF AN EMERGENCY AND
AUTHORIZING THE DISTRICT TO ENTER INTO A CONTRACT
WITHOUT ADVERTISING FOR OR INVITING BIDS TO PROVIDE FOR THE
REPAIR OF DURHAM INTERMEDIATE SCHOOL GYMNASIUM FLOOR**

WHEREAS, Durham Intermediate School (the "School") is located in the Durham Unified School District (the "District");

WHEREAS, the School Gymnasium floor suffered damage caused by water and other environmental factors;

WHEREAS, the School Gymnasium is in need of certain floor repair work (the "Work") to be immediately performed;

WHEREAS, immediate performance of the Work is necessary to ensure that there is a continuous provision of instruction to students and to ensure the continuance of scheduled classes;

WHEREAS, Section 20113 of the Public Contract Code authorizes the District to enter into a contract without advertising for or inviting bids under an emergency circumstance. Section 20113 defines an emergency as a situation where the contract is necessary to either permit the continuance of school classes, or to avoid danger to life or property;

WHEREAS, Section 20113 of the Public Contract Code requires that a contract entered into pursuant to its provisions be unanimously approved by the Board and approved by the County Superintendent of Schools;

WHEREAS, an emergency situation exists in that the Work is immediately necessary in order to provide instruction to students which will ensure the continuance of scheduled classes at the School;

WHEREAS, in order to permit the continuance of scheduled classes and avoid danger to life or property, the District must forego the competitive bidding requirements in order to obtain a contract to perform the Work; and

WHEREAS, the District has obtained an informal proposal from Hanes Floor Incorporated ("Contractor") to perform the Work, and District staff recommends that the Board authorize the Superintendent to execute the necessary agreements with Contractor for the Work.

NOW, THEREFORE, the Governing Board does resolve as follows:

1. That the Governing Board hereby determines that an emergency situation exists within the meaning of Public Contract Code Section 20113 with respect to the performance of the Work at the School.
2. That the District, without advertising for or inviting bids, may enter into a contract with Contractor to perform the Work at the School, and that the Superintendent is authorized to execute such a contract. In the Board’s judgment, it is crucial that the District be allowed to obtain a contract outside of the competitive bidding process in order to avoid hardship to the District, its students, and educational programs at the School.
3. This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED by the Governing Board on July 12, 2011 by the following unanimous vote:

AYES:

NOES:

ABSENT:

ABSTENTION:

PRESIDENT, GOVERNING BOARD

ATTEST:

SECRETARY, GOVERNING BOARD

Donald McNelis, County Superintendent
Butte County Office of Education