

**BOARD OF EDUCATION
BIG WALNUT LOCAL SCHOOL DISTRICT
DELAWARE COUNTY, OHIO**

The Board of Education (the "Board") of the Big Walnut Local School District, Delaware County, Ohio (the "School District"), met in Regular Session on September 15, 2016 at 6:30 p.m., at the Big Walnut High School, 555 South Old 3C Highway, Sunbury, Ohio 43074, with the following members present:

_____ introduced the following resolution and moved its passage:

M____. _____ introduced the following resolution and moved its passage:

RESOLUTION NO. ____

WAIVING FURTHER COMPETITIVE BIDDING FOR THE TRACK RESURFACING AND RELATED WORK, BASED UPON AN URGENT NECESSITY, AND AWARDING THE CONTRACT FOR THE WORK

The Superintendent recommends waiving further competitive bidding, based upon the Board's authority to determine an urgent necessity exists, and awarding a contract for the track resurfacing and related work to Heiberger Paving, Inc. in an amount not to exceed \$55,000.

Rationale:

1. The Board approved a project for track resurfacing and related work (the Project) with a schedule for completion by October 1, 2016, in order for the track to be ready for the spring 2017 season; October 1 is when evening temperatures typically drop to a level that precludes the application of the resurfacing material.
2. Bids were solicited following the statutory competitive bidding process for public schools based upon plans and specification prepared by Triad Architects for the Project; 8 bidders expressed interest in the project, but only 1 bid was received.
3. The apparent low bid was submitted by Heiberger Paving, and the base bid amount exceeded the estimated construction cost published for this division of work by more than 10%; based upon Ohio Revised Code (ORC) 153.12, when the bid amount exceeds the published estimate by more than 10%, it cannot be awarded without further Board action.
4. The Architect's initial conclusion is that only 1 bid was received because of the compressed period for performing the work; the Architect is in the process of reviewing the specifications and the cost breakdown for the work with Heiberger Paving and believes that modifying the work at the high jump/vault area and removing the work at the long jump area will reduce the cost of the work to approximately \$50,000.
5. Because of the timeline for the work, the Superintendent, after reviewing the situation with Triad Architects and the Board's legal counsel, recommends proceeding with Heiberger Paving, which is a qualified and experienced contractor for this type of work, for the not to exceed amount of \$55,000, which will include a modified scope of work to complete the Project, so that the work can be completed before the weather precludes the work from occurring this year and the track will be ready for the spring season.

The Board resolves:

1. Relying upon the information provided, the Board waives further competitive bidding for the Project, based upon the authority granted in ORC 3313.46 when there is an urgent necessity, and awards the contract to Heiberger Paving, Inc., as the lowest responsible bidder for the work in an amount not to exceed \$55,000; the Board further authorizes the Superintendent or her designee to work with Triad Architects to review the specifications for the work with Heiberger Paving and negotiate an adjustment to the bid amount to reflect the modified scope of work.
2. The Board finds that it is in the best interest of the District to complete the work prior to October 1, 2016, after which the resurfacing material may not be applied when evening temperatures fall below 45-50 degrees, and to have the track resurfacing work complete and ready for the spring 2017 track season.
3. There is insufficient time to re-bid the Project in order for the work to be completed this fall.
4. The Board President and Treasurer are authorized to sign a contract with Heiberger Paving, Inc., with the Treasurer encumbering funds for the work in the amount negotiated for the contract, and both the Superintendent and Treasurer are authorized to sign any related documents required to document the agreement between the Board and the contractor to proceed with the Track Project.

M_. _____ seconded the motion and, after discussion, a roll call vote was taken and the resolution passed.

Ayes: _____ Nays: _____

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

Ayes: _____

Nays: _____

The resolution _____.

Passed: _____

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Attest: _____
Treasurer

Board President