

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

RESOLUTION NO. _____
TAKING ASSIGNMENT OF CONSTRUCTION SUBCONTRACTS FOR SECURITY IMPROVEMENTS,
AUTHORIZING PAYMENT OF OUTSTANDING BALANCES, AND AUTHORIZING COMPLETION OF
THE WORK

The Superintendent recommends taking an assignment of the construction subcontract for Assured Glass Services, LLC ("Assured") ("Subcontract") for the security improvements project ("Project"), paying Assured its outstanding balance, and completing the work remaining under Assured's subcontract. The Superintendent further recommends the Board authorize the Superintendent to take assignments of any other subcontracts, as necessary, for the timely completion of the remaining work on the Project.

Background:

1. The Board issued a notice of termination to LeVeck Commercial Construction & Development (LeVeck) in accordance with its General Trades Contract with LeVeck. Pursuant to the General Trades Contract, the Board may take an assignment of Assured's Subcontract after it has terminated LeVeck.
2. Based on information provided by Assured, the total amount of the Subcontract is \$181,998.00 including all executed change orders. Under its Subcontract, Assured has earned a total of \$157,249.70, which represents work done up through February 2019 less \$8,276.30 of retainage. Assured has been paid by LeVeck a total of \$103,007.00 on the Subcontract, leaving a balance of \$54,242.70, less a deduct change order to be executed by Assured in the amount of \$700, leaving a balance of \$53,542.70 to bring the Subcontract current. The remaining work to be performed on the Subcontract is equal to \$16,472.00 plus retainage of \$8,276.30.
3. The Director of Facilities believes that Assured is entitled to payment for work it has previously performed, and believes it is in the best interests of the Board to take assignment of Assured's Subcontract, pay Assured the outstanding balance for work completed, and direct Assured to complete the work remaining under its subcontract.
4. Additionally, the following subcontractors have outstanding balances and/or work remaining on the Project: Riceland Cabinet, Division 7, Ott Incorporated, Continental Office, Magnificent Touch, SPD Textile & Drapery, Accent Draperies, Command Heating, ABM Building Solutions, Ryco Electric, State Security, Bruck Construction, Crowtree Construction, Able Fence.
5. The Director of Facilities believes that some or all of these subcontractors are entitled to payment for work they have previously performed, and believes it is in the best interest of the Board to take assignment of the subcontracts, pay the outstanding balance for work completed on the subcontracts, and direct the subcontractors identified by the Director of Facilities to complete the work remaining under their respective subcontracts.

NOW, THEREFORE, BE IT RESOLVED by the Big Walnut Local School District Board of Education as follows:

1. Based upon the recommendation of the Superintendent, the Board accepts assignment of the Assured Subcontract.
2. The Board authorizes the Superintendent and Director of Facilities, working with legal counsel, to prepare and send the required notice of acceptance of Assignment under the contract documents, on behalf of the Board, to Leveck and Assured.
3. The Board authorizes the Superintendent and Director of Facilities, working with the Treasurer, and legal counsel, to negotiate and enter into an assumption agreement with Assured, on behalf of the Board, and to pay the outstanding balance for work completed under the Assured Subcontract directly to Assured.
4. The Board authorizes the Superintendent and Director of Facilities, working with the Treasurer, and legal counsel, to provide any additional notices of assignment and to negotiate and enter into assumption agreements with the remaining subcontractors at the discretion of the Superintendent, on behalf of the Board, and to pay the outstanding balance for work completed under the respective subcontracts at the discretion of and as determined by the Superintendent up to an amount of \$40,000.

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

Ayes: _____ Nays: _____

The resolution passed.