

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

RESOLUTION NO. _____
AUTHORIZING A CONTRACT WITH WEATHERPROOFING TECHNOLOGIES, INC. FOR THE
DAMP PROOFING PROJECT AT THE BIG WALNUT MIDDLE SCHOOL BASED UPON O.R.C.
167.081 FOR CONTRACTS PROCURED THROUGH A REGIONAL COUNCIL OF
GOVERNMENTS

The Superintendent recommends that the Board authorize a contract with Weatherproofing Technologies, Inc. ("WTI") for the Damp Proofing Project at the Big Walnut Middle School in accordance with O.R.C. 167.081 for contracts procured through a Regional Council of Governments.

Rationale:

1. The District has identified a need to protect the existing concrete/masonry façade with a damp proofing sealer at the Big Walnut Middle School (the "Project").
2. O.R.C. 167.081 allows a school district to participate in a construction contract of a Regional Council of Governments (a "COG") without the need to engage in competitive bidding. Specifically, R.C. 167.081 states that a regional council may enter into a contract that establishes a unit price for, and provides upon a per unit basis, materials, labor, services, overhead, profit, and associated expenses for the repair, enlargement, improvement, or demolition of a building or structure if the contract is awarded pursuant to a competitive bidding procedure of a multistate consortium of which the council is a member. The Board is a member of META Solutions ("META"). META is a Regional Council of Governments established under Chapter 167 of the Ohio Revised Code. META has partnered with the Association of Educational Purchasing Agencies ("AEPA"), a national purchasing consortium. As a result, Contractors procured by the Board through the cooperative purchasing program established by AEPA meet all the requirements of R.C. 167.081, by virtue of the Board's membership in META.
3. WTI is an experienced weatherproofing contractor, and has provided a proposal for the Project in the amount of \$112,696.66, which is based on unit pricing set forth under its Master Intergovernmental Agreement IFB #021-D with AEPA.
4. The Superintendent also requests authority for the Superintendent, Treasurer, and/or Director of Facilities to enter change orders on behalf of the Board in a total amount not to exceed 10% of the contract sum with WTI as set forth in the chart below. Change orders in excess of that amount will be brought to the Board for its approval.

Designated Individual	Field Work Order and Change Order Authority
	Add Amount
Director of Facilities	\$0.00 to \$5,000.00
Treasurer (with initials from Director of Facilities)	\$5,000.01 to \$10,000.00
Superintendent (with initials from Director of Facilities and Treasurer)	\$10,000.01 to 10% of the contract sum
Board of Education by resolution	Any change order in excess of 10% of the contract sum
	Deduct Amount
Treasurer (with initials from Director of Facilities)	(\$0.01 to \$5,000.00)
Superintendent (with initials from Treasurer and Director of Facilities)	(\$5,000.01 to \$10,000.00)
Board of Education by resolution	(\$10,000.01-plus)

5. Additionally, the Project may be funded by federal ESSER grant funding. Accordingly, this procurement also complies with procurement requirements under 2 CFR § 200.318(e), which encourages non-federal entities to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.

The Board of Education resolves as follows:

1. Based upon the information provided and exercising the authority granted in O.R.C. 167.081, the Board authorizes the procurement of WTI without the need to engage in competitive bidding.
2. The Board authorizes the Superintendent, Treasurer, and Director of Facilities to work with legal counsel to negotiate and execute a contract with WTI for the Project and to sign any related documents for the work in an amount not to exceed \$112,696.66.
3. The Board further authorizes the Superintendent and Treasurer to sign change orders related to the Damp Proofing Project in a total amount not to exceed 10% of the Contract Sum with Tremco/WTI; 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.
4. The Board further authorizes the Superintendent, Treasurer, and Director of Facilities to sign change orders in accordance with the chart above.

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

AYES: _____

NAYS: _____