

M\_\_\_\_. \_\_\_\_\_ introduced the following resolution and moved its passage:  
RESOLUTION NO. \_\_\_\_

**WAIVING COMPETITIVE PROCUREMENT BASED ON URGENT NECESSITY AND PUBLIC EXIGENCY AND APPROVING THE SELECTION OF PLUG SMART FOR THE DISTRICT'S DISTRICT WIDE HVAC RENOVATION PROJECT**

The Superintendent and Treasurer recommend that the Board declare an urgent necessity and public exigency, waive competitive bidding, and approve the selection of Plug Smart for the District Wide HVAC Renovation Project (the "Project").

Rationale:

1. The District has identified a need to install new HVAC equipment at the Edgewood High School, Braden Middle School, Kingsville Elementary School, and Ridgeville Elementary School, which will include the installation of ductless mini-split cooling units and electrical services upgrades required by the new equipment, and related components in order to increase air quality and energy efficiency, as part of a multi-layered strategy to combat the impact of COVID-19.
2. The work for the Project needs to be completed as soon as possible as HVAC equipment is a critical component of the District's operations. Based on information solicited by the District, materials and equipment must be ordered immediately in order to complete the Project prior to the start of the 2022-2023 school year as severe supply chain disruptions have resulted in long delays in the acquisition of materials. The Project must also be within the District's budget so as to not negatively impact the District's educational programs. Bidding the work will delay Project completion and will not guarantee that lower bids will be received for the work, especially in light of the unprecedented material and labor shortages and increased costs as a result of COVID-19. This situation presents an urgent necessity and public exigency to complete the Project.
3. Plug Smart is an experienced contractor with HVAC equipment installation. Plug Smart provided a proposal for the Project. Plug Smart's proposal provides a not to exceed cost for the Project of \$1,479,292.00.
4. Based on experience in procurement, the Superintendent and Treasurer believe Plug Smart's proposal to be reasonable and of an appropriately competitive nature. Based on this urgent need, the Superintendent and Treasurer recommend waiving competitive bidding based upon the urgent necessity exception in ORC Section 3313.46, approving the selection of Plug Smart for the Project and authorizing the Superintendent to negotiate an agreement with Plug Smart in an amount not to exceed \$1,479,292.00.
5. Additionally, these improvements may be funded by federal ESSER grant funding. Accordingly, this procurement also complies with noncompetitive procurement under 2 CFR § 200.320(c)(3) because the above-described facts constitute a public exigency. The Superintendent and Treasurer request authority to execute any documents related to the use of federal ESSER grant funding including any required assurances from the Ohio Department of Education.

The Board of Education resolves as follows:

1. Based upon the information provided and exercising the authority given in ORC 3313.46, the Board declares an urgent necessity and waives competitive bidding in order to move forward with the Project.
2. Additionally, the Board recognizes that the facts giving rise to the urgent necessity constitute a public exigency under 2 CFR § 200.320(c)(3), and declares a public exigency, and authorizes the use of noncompetitive procurement.

3. The Board approves the selection of Plug Smart to provide the work and authorizes the Superintendent and Treasurer to work with legal counsel to negotiate and execute a contract and any supporting documents with Plug Smart in an amount not-to-exceed \$1,490,292.00.
4. The Superintendent and Treasurer are authorized to execute any documents required in order to pay for the Project, in whole or in part, with federal ESSER grant funding, including any required assurances from the Ohio Department of Education.

M\_\_\_\_. \_\_\_\_\_ seconded the motion and, after discussion, a roll call vote was taken and the resolution passed.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_