

Resolution Authorizing Contract for HVAC Cooling System for High School Facility/Air Quality Improvement Based on Urgent Necessity

The Board of Education of the Coshocton City School District, Coshocton County, Ohio met on April 15, 2021 at 6:30 PM with the following members present:

Dr. Jere Butcher
Mr. Phil Hunt
Mr. Tad Johnson

Mr. Steve Clark
Mr. Sam Bennett

_____ introduced the following:

The Superintendent and Treasurer request authority to contract for a facility improvement/air quality improvement project based upon an urgent necessity exception to competitive bidding.

Rationale:

1. The District is engaged in an ongoing project dedicated to improving the indoor air quality of its buildings in response to the ongoing COVID-19 pandemic. Part of this project is the purchase and installation of a 250-ton HVAC air cooling system for the high school building. Project components, including proper design, ordering, installation, and testing must happen during the summer in order to (i) provide enough time to ensure the implementation and commissioning of the system occurs before the start of the next school year in light of COVID-19 related supply chain disruptions; and (ii) minimize the disruptions to students, teachers and staff by completing the majority of the work before the start of the 2021-2022 school year.
2. Juice Technologies Inc. (d.b.a. Plug Smart) ("Plug Smart"), a firm experienced in the design and implementation of energy conservation and facility improvement projects, will execute this project subject to state and federal requirements and provide the work under an open book pricing format to ensure full disclosure, transparency and cost competitiveness. It is also agreed that the total cost for this project will not exceed \$597,273. Plug Smart, in parallel with the Chiller project, will work on the district's behalf to apply for a Department of Energy sourced grant that can offset up to \$215,000 of these project costs. Plug Smart cannot guarantee that the DOE will award the district a grant nor the grant amount. Therefore, in the event Plug Smart is unsuccessful, the District will be responsible for the balance of the project cost.
3. Ohio Revised Code (ORC) Section 3313.46 provides an exception to the statutory competitive bidding requirements when there is urgent necessity.
4. Under federal regulation 2 CFR § 200.320(c)(3), non-competitive procurement can be used when a public exigency or emergency exists that will not permit a delay that would result from the standard competitive bidding process.
5. The Superintendent recommends waiving competitive bidding under Ohio law based upon the urgent necessity presented by the circumstances. The Superintendent also recommends proceeding with non-competitive procurement under federal regulations because of the public exigency and emergency posed by the circumstances.

6. The Superintendent and the Treasurer request authority to enter into a contract with Plug Smart in the amount of \$597,273, based upon the proposal submitted for the project. If the Department of Energy grant is awarded it will be to reimburse the District for the amount awarded by the Department of Energy by reducing the amount of expenditure from the District funds.

The Coshocton City School District Board of Education resolves as follows:

1. Based upon the information provided and pursuant to the authority given in ORC 3313.46, the Board determines that the facility improvements and improved air quality and student work environment of the high school is an urgent necessity and waives the competitive bidding for the work; the Board finds that it is in the best interest of the District to proceed with the facility improvement project as quickly as possible in order to maximize the student and staff health and safety amidst the current pandemic.
2. Based upon the information provided and pursuant to 2 CFR 200.320(c)(3), the Board determines that the circumstances of the COVID-19 pandemic and resulting necessity to improve indoor air quality presents a public exigency and emergency that permits non-competitive procurement.
3. Any actions previously taken by District officials or agents of this Board in furtherance of the matters set forth in this Resolution are hereby approved, ratified and confirmed.
4. The Board authorizes the Superintendent, working with the Treasurer, to contract with Plug Smart, for a maximum amount of \$597,273, with the opportunity to reduce that amount through the Department of Energy grant, to perform the necessary work to update the HVAC air cooling system for the high school building as proposed in the air quality/facility improvement plan.
5. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board that resulted in those formal actions were in meetings open to the public, in compliance with the law.

_____ seconded the motion and, after discussion, a roll call vote was taken with the following result:

Ayes: _____ Nays: _____ Abstentions: _____

The resolution, _____, passed/failed.

Dr. Jere Butcher
Board of Education President

I hereby attest that this is a true and complete copy of the Resolution adopted by a majority of the full membership of the Board of Education of the Coshocton City School District at its meeting held on April 15, 2021

Terri Eyerman, Treasurer
Coshocton City School District