

**RESOLUTION OF THE GOVERNING BOARD OF THE
BEVERLY HILLS UNIFIED SCHOOL DISTRICT**

**RESOLUTION FOR APPROVAL OF AWARD OF CONTRACT TO
2H CONSTRUCTION, INC. FOR CERTAIN ADDITIONAL WORK AT
HORACE MANN SCHOOL**

RESOLUTION NO. 2017-2018-027

WHEREAS, the Governing Board of the Beverly Hills Unified School District (“District”) previously awarded a contract for construction work for the Horace Mann project (“Project”) to 2H Construction, Inc. (“Contractor”);

WHEREAS, subsequent to the award of the contract for the Project, it was determined that additional work was necessary on the Project (“Change Order”) including work to address structural deficiencies in the structural concrete deck that were identified during construction of the Project, as more fully set forth in Exhibit “A”;

WHEREAS, the Contractor is intimately familiar with the Project and is ready, willing and able to perform the additional work set forth in the Change Order;

WHEREAS, the total cost for the Change Order is \$206,443.23 and exceeds the limitations set forth in Public Contract Code section 20118.4;

WHEREAS, it would be more costly and time-consuming to bid this additional work since it is integral to the Project and the work being performed by the Contractor;

WHEREAS, competitive bidding the additional work covered by the Change Order would result in the delay of the completion of the Project;

WHEREAS, the additional work must be performed before the Project can be completed and failure to complete the Project will disrupt the education of students;

WHEREAS, it would work an incongruity and not produce any advantage to the District to competitively bid the Change Order since such competitive bid work could result in multiple contractors being required to perform work more efficiently and effectively performed by one contractor; and

WHEREAS, Meakin v. Steveland (1977) 68 Cal.App.3d 490 and Los Angeles Dredging v. Long Beach (1930) 210 Cal. 348 holds that statutes requiring competitive bidding do not apply when competitive bidding would work an incongruity or not produce any advantage.

NOW, THEREFORE, the Governing Board of the District hereby finds, determines, and resolves as follows.

Section 1. The above recitals are all true and correct.

Section 2. That it would work an incongruity and not produce any advantage to the District to competitively bid the completion of the additional work set forth in the Change Order.

Section 3. That the District approves the immediate completion of the additional work stated in the Change Order without competitively bidding such work and approves the District's payment to the Contractor in accordance with the terms and conditions set forth in the Change Order.

Section 4. That the completion and approval of the additional work stated in Change Order is necessary to ensure completion of the Project and use of the facilities by students and staff.

Section 5. That the Governing Board delegates to its Superintendent or Superintendent's designee, authority to execute all agreements and complete all necessary documents for the additional work and to otherwise fulfill the intent of this Resolution.

Section 6. That this Resolution shall be effective as of the date of its adoption.

APPROVED, PASSED AND ADOPTED by the Governing Board of the Beverly Hills Unified School District this ___ day of _____, 2018, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAINED: _____

I, _____, President of the Beverly Hills Unified School District Governing Board, do hereby certify that the foregoing is full, true, and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution is on file in office of said Board.

President of the Board of Education
Beverly Hills Unified School District

I, _____, Clerk of the Board of Education of the Beverly Hills Unified School District Governing Board, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the Board of Education of the Beverly Hills Unified School District Governing Board at a regular meeting thereof held on the ____ day of _____, 2016, by the above described vote of the Governing Board;

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Beverly Hills Unified School District Governing Board this ____ day of _____, 2016.

Clerk of the Board of Education
Beverly Hills Unified School District

EXHIBIT “A”

2H CONSTRUCTION, INC. CHANGE ORDER FOR THE HORACE MANN SCHOOL

(Attached)