

**MOUNTAIN VIEW WHISMAN SCHOOL DISTRICT
RESOLUTION NO. 03-061721
AUTHORIZING CONTRACT FOR
MODULAR CLASSROOM BUILDING PURCHASE AND INSTALLATION
PURSUANT TO PUBLIC CONTRACT CODE SECTION 20118 (PIGGYBACK STATUTE)**

WHEREAS, the Mountain View Whisman School District (“**District**”) desires to purchase and install a modular classroom building and associated equipment (“**Modular**”) for use by the District at Huff Elementary School (“**Site**”); and

WHEREAS, pursuant to Public Contract Code (“**PCC**”) section 20111, a school district is required to competitively bid the “purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district” involving an expenditure of more than the then current and adjusted bid limit; and

WHEREAS, PCC section 20118 provides an exception to that requirement as follows:

Notwithstanding Sections 20111 and 20112 [of the Public Contract Code], the governing board of any school district without advertising for bids, if the board has determined it to be in the best interests of the district, may authorize by contract, lease, requisition, or purchase order, any public corporation or agency, including any county, city, town, or district, to lease data-processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner in which the public corporation or agency is authorized by law to make the leases or purchases. Upon receipt of any such personal property, provided the property complies with the specifications set forth in the contract, lease, requisition, or purchase order, the school district may draw a warrant in favor of the public corporation or agency for the amount of the approved invoice, including the reasonable costs to the public corporation or agency for furnishing the services incidental to the lease or purchase of the personal property; and

WHEREAS, in November 2020, the Merced River School District (“**MRSD**”) publicly advertised an Invitation to Bid pursuant to Public Contract Code (“**PCC**”) section 20111 for Modular Buildings and Associated Options that included a provision pursuant to Public Contract Code section 20118 (the “**piggyback statute**”) allowing other California public entities to piggyback off of the terms and conditions of a contract entered into between MRSD and a vendor awarded a contract pursuant to the MRSD Invitation to Bid (the “**MRSD Piggyback Bid**”); and

WHEREAS, on January 11, 2021, the MRSD Governing Board awarded a contract to Enviroplex, Inc. (“**Enviroplex**”) (the lowest responsive responsible bidder submitting a bid in response to the MRSD Piggyback Bid) for Modular Buildings and Associated Options (the “**MRSD Piggyback Contract**”); and

WHEREAS, the MRSD Piggyback Contract included a provision pursuant to PCC section 20118 allowing other public agencies, including the District, to purchase modular and install buildings and associated options from Enviroplex pursuant to the same terms and conditions of the MRSD Piggyback Contract; and

WHEREAS, the MRSD Piggyback Contract is still valid through January 11, 2024; and

WHEREAS, on March 24, 2021, the District publicly advertised for modular buildings and received bids in excess of the District’s budget for the modular buildings and associated equipment; and

WHEREAS, Enviroplex submitted a proposal to the District for a 32 x 30 modular building and associated options consistent with the terms of the MRSD Piggyback (the “**Enviroplex Proposal**”); and

WHEREAS, District staff, after researching the costs and terms of the MRSD Piggyback Contract, has determined that the terms and pricing of the MRSD Piggyback Contract and the Enviroplex Proposal are at or below current market condition pricing for modular buildings and associated options and that it would be in the District’s best interests to piggyback off of the MRSD Piggyback Contract to purchase and install the modular and associated option from Enviroplex, pursuant to the Enviroplex Proposal and the MRSD Piggyback Contract terms and conditions ; and

NOW THEREFORE, the Governing Board of the District hereby finds, determines, declares, orders, and resolves as follows:

Section 1. Recitals. That the foregoing recitals are true and correct.

Section 2. Piggyback Contract in Best Interests of the District. That it is in the best interests of the District to purchase and install the modular and associated options from Enviroplex pursuant to and subject to the terms of the MRSD Piggyback for the District’s use at the Site.

Section 3. Authorization. That the District’s Governing Board hereby authorizes the District’s Superintendent, or designee, pursuant to this Resolution to take any action which is necessary to carry out, give effect to, or comply with the terms and intent of this Resolution and consistent with the Public Contract Code and District Policy to enter into a contract with Enviroplex for the modular and associated options pursuant to and consistent with the terms and conditions of the MRSD Piggyback

APPROVED, PASSED AND ADOPTED by the Governing Board of the Mountain View Whisman School District on this 17th day of June 2021, by the following vote:

AYES: _____
NOES: _____
ABSENT: _____
ABSTAIN: _____

President, Governing Board
Mountain View Whisman School District

ATTEST:

Secretary, Governing Board
Mountain View Whisman School District