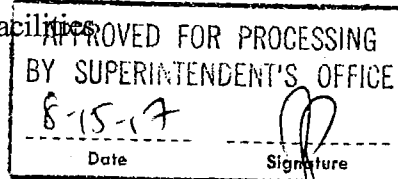


TITLE: ADOPTION OF RESOLUTION NO. 01-17/18, PARTICIPATING IN BIDS/CONTRACTS OF OTHER PUBLIC CORPORATIONS AND AGENCIES THROUGHOUT THE 2017-2018 FISCAL YEAR

Business & Facilities
Action #1

August 15, 2017
Page 1 of 2

Prepared by: Ron Todo, Associate Superintendent of Business & Facilities



Background Information

Included in Public Contract Code §20111 and §20112 is the requirement that school districts let contracts over \$88,300 (as of 2017) for the purchase of equipment, materials, or supplies, to the lowest responsible bidder. Nevertheless, existing law authorizes the District to procure equipment, materials and supplies without a bidding process by utilizing contracts bid and awarded by other public agencies. When such a contract exists, Public Contract Code §20118 states that if the governing board of a school district has determined it to be in the best interest of the district, a school district may authorize the lease or purchase of personal property directly from the vendor and make payment to the vendor under the same terms of the contract awarded by the public agency, without advertising for bids. This is referred to as "Piggybacking". Section 20118 permits the District to purchase "materials, supplies, equipment, automotive vehicles, tractors and other personal property" by the piggyback process.

In addition to the piggyback purchases authorized under Public Contract Code §20118, Public Contract Code §10298 and §10299 allow school districts to contract with vendors awarded contracts, and made available to school districts, by the California Department of General Services, without further competitive bidding. The scope of purchases authorized by Section 10299 includes "information technology, goods and services."

By authorizing District staff procurement by the piggyback process, the District's right to bid and procure on its own is not preempted, but provides an alternate procurement method when deemed cost effective or in the best of interest of the District.

Staff believes it is in the best interest of the district to use the piggyback process by participating in bids/contracts of other public corporations and agencies.

On motion # 28 by Trustee White, seconded by Trustee Blouse and carried by a vote of 5/0, the Board of Education approved, by a roll-call vote, Resolution No. 01-17/18, participating in bids/contracts of other public corporations and agencies throughout the 2017-2018 fiscal year.

Ayes: La Belle
Blouse
Smalley
White
Daniel Noes: 0 Absent: 0 Abstained: 0

Generally, award of contracts for goods, materials, supplies, services and other property requires Board of Education action. Education Code §17604, however, authorizes the Board of Education to delegate authority to the District superintendent to award contracts subject to limitations of “time, money or subject matter” established by the Board of Education. Contracts awarded pursuant to authority conferred under Section 17604 are not “valid or constitute an enforceable obligation” until ratified by the Board of Education.

Recommendation

It is recommended that the Board of Education determine that it is in the best interests of the District to authorize District staff to utilize the piggyback process to procure goods, materials, supplies, equipment, and services to the fullest extent permitted by applicable law. It is further recommended that the Board of Education authorize the Superintendent or such District employee the Superintendent may designate to award a piggyback contract under Education Code §17604, provided that any such piggyback contract is not valid or enforceable against the District until ratified by the Board of Education.

**SIMI VALLEY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 01-17/18**

**APPROVAL OF PARTICIPATION IN BIDS/CONTRACTS OF OTHER PUBLIC AGENCIES
(PIGGYBACK CONTRACTS); AUTHORITY TO AWARD PIGGYBACK CONTRACT**

BE IT RESOLVED by the Board of Education of the Simi Valley Unified School District:

WHEREAS, applicable law generally requires the District to engage in a competitive process to procure goods, materials, supplies, services, equipment and other property.

WHEREAS, notwithstanding such requirements, applicable law also authorizes the District to procure goods, materials, supplies, services, equipment and other property without a competitive process upon terms and conditions of contracts bid and awarded by other public agencies; these alternative procurement procedures are typically referred to as “piggyback” contracting.

WHEREAS, the District is authorized to engage in piggyback contracting under Public Contract Code §20118 for lease of “data processing equipment” and the purchase of “materials, supplies, equipment, automotive vehicles, tractors and other personal property.”

WHEREAS, the District is authorized to engage in piggyback contracting under Public Contract Code §10298 and §10299 for “information technology, goods and services” from “contracts, master agreements, multiple award schedules, cooperative agreements” procured by the California State Department of General Services (“DGS”).

WHEREAS, DGS authorized piggyback contracts may include contracts “with entities outside the state” and cooperative buying organizations such as National Association of State Procurement Officials (NASPO), and U.S. Communities.

WHEREAS, procurement of goods, materials, supplies, services, equipment and other property by the piggyback process provides the District with an alternative to procurement by a competitive process with resulting cost and time savings.

WHEREAS, although applicable law generally requires Board of Education action to award contracts, authority to contract may be delegated to the Superintendent pursuant to Education Code §17604; with such authorization subject to limitations of “time, money or subject matter.”

WHEREAS, contracts awarded by authority conferred by the Board of Education under Education Code §17604 are not valid or enforceable against the District until ratified by the Board of Education.

THEREFORE, BE IT RESOLVED that the Board of Education determines that the piggyback procurement process is in the best interests of the District.

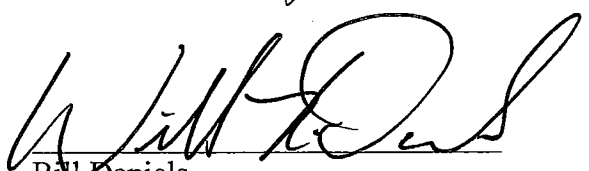
FURTHER RESOLVED, that the District participate for the 2017-2018 school year in piggyback bids and contracts issued by other public agencies to the fullest extent permitted by applicable law.

FURTHER RESOLVED, that pursuant to Education Code §17604, the Superintendent, or such District employee the Superintendent may designate, are authorized to award piggyback contracts procured pursuant to these Resolutions, provided that (i) any such piggyback contract is not valid or enforceable against the District until ratified by subsequent action of the Board of Education; and (ii) the authority conferred hereunder is effective upon Board action adopting these Resolutions and shall continue for twelve (12) months after the date of Board action adopting these Resolutions.

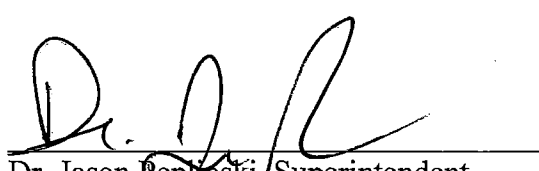
**SIMI VALLEY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 01-17/18**

PASSED AND ADOPTED by the Board of Education of the Simi Valley Unified School District at the meeting on August 15, 2017, by the following vote:

AYES: *LaBelle*
Bloss
Smith
White
Daniels NOES: *6* ABSENT: *0* ABSTAIN: *0*



Bill Daniels
President of the Board of Education



Dr. Jason Repinski, Superintendent
Secretary to the Board of Education