

OAK GROVE SCHOOL DISTRICT

Resolution No. 1463-05/24

DELEGATING AUTHORITY IN REGARD TO AWARD OF INFORMAL CONTRACTS PURSUANT TO THE CALIFORNIA UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT

On motion of Member Pacheco Jr seconded by Member Martinez the following resolution is adopted:

WHEREAS, Public Contract Code Section 22002(c) defines a public works project generally as work including the construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair of any publicly owned, leased, or operated facility; and,

WHEREAS, the Governing Board ("Board") of the Oak Grove School District, when undertaking a public project in excess of the informal bid limit, is required pursuant to Public Contract Code Section 22000 et seq. to award the contract(s) for such work to the lowest responsible bidder(s) or reject all bids; and,

WHEREAS, Public Contract Code Section 22037 requires the Board to advertise for bids for public projects by publishing a notice calling for bids in a newspaper of general circulation published within the District at least 14 calendar days prior to opening of bids; and,

WHEREAS, Education Code Section 35161 authorizes the Board to delegate to any officer or employee of the District any power or duty delegated to the District or the Board by law, although the Board retains responsibility over the performance of the powers or duties so delegated; and

WHEREAS, during the course of public works projects, situations may arise resulting in requirement for changes to the project(s) or the contracts therefore; and,

WHEREAS, the Board desires to delegate to District staff certain authority in regard to informal bids and other competitive bidding and contracting duties and thereby create an efficient process for achieving and implementing the public works projects.

NOW, THEREFORE, the Board does hereby determine, resolve, and order as follows:

Section 1. The foregoing recitals are true and correct.

Section 2. The Board hereby delegates the authority and discretion to the Superintendent or his designee, to: (i) award public works contracts up to the informal bid limit pursuant to the California Uniform Public Construction Cost Accounting Act; (ii) review and, as appropriate, approve plans and specifications for purposes of seeking competitive bids based on such plans and specifications; (iii) call for bids for any public works projects, including placing advertisements as required pursuant to the Public Contract Code; (iv) reject all bids received in connection with public works projects if rejection is determined by District staff to be in the best interests of the District; (v) recall and re-advertise for bids on any public works projects for which previous bids were rejected in accordance with the authority hereby delegated; and (vi) take such other actions as may be reasonably necessary to accomplish those tasks delegated pursuant to this section which are subject to subsequent award of contract(s) or rejection of all bids by the Board.

Section 3. The Board hereby delegates the authority and discretion to the Superintendent for the District, or to their designee, to review and, as appropriate, approve change orders for construction of any Public Works Projects; subject to no such change order(s) approved pursuant to this Section exceeding a cumulative 10% of the original contract amount; and provided that all such change orders approved pursuant to this section are subject to subsequent ratification by the Board.

Section 4. The Board does not hereby delegate the authority for initial award of any contracts for construction of any Public Works Projects, which authority is expressly reserved by the Board unless otherwise delegated herein.

Section 5. The Superintendent, or their designee, shall report to the Board at each regularly-scheduled Board meeting with a summary of the authority exercised pursuant to this Resolution since the last prior meeting of the Board.

Section 6. This Resolution shall take effect immediately and shall remain in effect until rescinded by the Board.

APPROVED, PASSED, AND ADOPTED this 9th day of May 2024 by the Governing Board of the Oak Grove School District at its regular meeting held at 6578 Santa Teresa Boulevard, San Jose, CA 95119 by the following vote:

AYES: e. Hernandez, P. Martinez, J. Pacheco Jr., T. Jaco

NOES: None

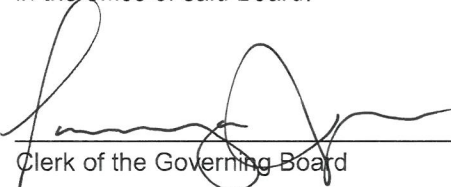
ABSENT: B. Gonzalez

ABSTAIN: None

STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

I, TAVNYA JACO, Clerk of the Governing Board of the Oak Grove School District of California, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by said Board at the regular meeting thereof at the time and place of vote stated, which resolution is on file and of record in the office of said Board.


Clerk of the Governing Board

5/9/2024
Date