

CONEJO VALLEY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
RESOLUTION #19/20-10

AUTHORIZING THE PROCUREMENT OF INTERNET CONNECTIONS
UTILIZING PUBLIC CONTRACT CODE SECTION 20118.2

WHEREAS, Public Contract Code Section 20118.2(a) declares:

[d]ue to the highly specialized and unique nature of technology, telecommunications, related equipment, software and services, because products and materials of that nature are undergoing rapid technological changes, and in order to allow for the introduction of new technological changes into the operations of the school district, it is in the public's best interest to allow school districts to consider, in addition to price, factors such as vendor financing, performance reliability, standardization, life-cycle costs, delivery timetables, support logistics, the broadest possible range of competing products and materials available, fitness of purchase, manufacturer's warranties, and similar factors in the award of contracts for technology, telecommunications, related equipment, software, and services;

and

WHEREAS, Public Contract Code Section 20118.2(b) states that the provisions in Public Contract Code Section 20118.2 shall only apply to a school district's procurement of computers, software, telecommunications equipment, microwave equipment and other related electronic equipment and apparatus, and not to contracts for construction or for the procurement of any product that is available in substantial quantities to the general public; and

WHEREAS, pursuant to Public Contract Code Section 20118.2(c), after a finding is made by a school district's board of education that a particular procurement qualifies under subdivision (b), the governing board may authorize the procurement through competitive negotiation as described in subdivision (d); and

WHEREAS, Public Contract Code Section 20118.2(d) provides that a request for proposals shall be prepared and submitted to an adequate number of qualified sources, as determined by the school district, to permit reasonable competition consistent with the nature and requirement of the procurement; and

WHEREAS, the Conejo Valley Unified School District's ("District") desires to utilize the procedures set forth in Public Contract Code Section 20118.2 for the procurement of various internet connections serviced *via* lit fiber solutions (the "Technology Procurements"), all as set forth in that certain Request for Proposals for Wide Area Network Connections, that certain Request for Proposals for ISP Services for City Center and that certain Request for Proposals for ISP Services for the District's Educational Center, which are attached hereto as Exhibit A, Exhibit B and Exhibit C, respectively, and incorporated herein by this reference (collectively, the "RFPs"); and

WHEREAS, it is currently anticipated that the procurements hereunder will either not qualify as a "project" under the California Environmental Quality Act (Public Resources Code Sections 2100, *et. seq.* ("CEQA")), or, if qualifying as a "project" under CEQA, will be determined to be categorically exempt thereunder and pursuant to the applicable provisions of the California Code of Regulations;

THEREFORE, BE IT RESOLVED the Board of Education of the Conejo Valley Unified School District does hereby determine, resolve and order as follows:

SECTION 1. The foregoing recitals are true and correct and are hereby incorporated by this reference, and shall hereinafter be deemed as findings of the District's Board of Education ("Board").

SECTION 2. The Board hereby finds that the Technology Procurements qualify under Public Contract Code Section 20118.2(b) as procurements that may be acquired utilizing the competitive negotiation process set forth in Public Contract Code Section 20118.2(d).

SECTION 3. The Board hereby authorizes the District's Deputy Superintendent of Business Services, and his designees, including, but not limited to, the Director of Technology, to do the following: (a) finalize the RFPs in a form substantially in compliance with the exhibits attached hereto; (b) submit the final RFPs to an adequate number of qualified sources; (c) engage in the competitive negotiation process described in Public Contract Code Section 20118.2; (d) otherwise comply with the procedures described in Public Contract Code Section 20118.2; and (e) take any other reasonable steps necessary to effectuate the purpose of this Resolution.

SECTION 4. It is the Board's intention that the District will, after the competitive negotiation process, award a contract for the installation and usage of data circuits to the qualified bidder(s) whose proposal(s) are the most advantageous to the District with price and all other factors being considered. The Board reserves the right to reject all proposals submitted pursuant to Public Contract Code Section 20118.2.

SECTION 5. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 17th day of December, 2019, by the Board of Education of the Conejo Valley Unified School District of Ventura County, California, by the following vote:

AYES: 5 NOES: 0 ABSENT: 0



Bill Gorback
Clerk, Board of Education