

**MORGAN HILL UNIFIED SCHOOL DISTRICT
MORGAN HILL, CALIFORNIA
RESOLUTION**

**RESOLUTION AUTHORIZING
CONTRACT PURSUANT TO PUBLIC CONTRACT CODE SECTION 20118
("PIGGYBACK STATUTE")**

WHEREAS, the Morgan Hill Unified School District ("District") requires certain modular building components and other components for use at the Britton Middle School site, and possibly other District sites;

WHEREAS, while pursuant to Public Contract Code section 20111, a school district is required to competitively bid "[t]he purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district," that exceed \$90,200, Public Contract Code section 20118 is an exception to this requirement and states:

Notwithstanding Sections 20111 and 20112, 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 from a vendor. Upon receipt of the personal property, if 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, or the school district may make payment directly to the vendor. Alternatively, if there is an existing contract between a public corporation or agency and a vendor for the lease or purchase of the personal property, a school district may authorize the lease or purchase of personal property directly from the vendor by contract, lease, requisition, or purchase order and make payment to the vendor under the same terms that are available to the public corporation or agency under the contract.

WHEREAS, the Wiseburn Unified School District contracted in a manner authorized by law with TLS Choice for the purchase of pre-fabricated component buildings, including ancillary services and materials and entered into an agreement with TLS Choice in September 2018 ("Piggyback Contract");

WHEREAS, the Piggyback Contract included a provision pursuant to Public Contract Code section 20118 allowing other public agencies, including the District, to purchase the pre-fabricated building components, including ancillary services and materials from TLS Choice pursuant to the same terms and conditions of the Piggyback Contract;

WHEREAS, District staff has researched the costs and terms of the Piggyback Contract believes that the prices of the Piggyback Contract are reasonable and that it would be in the best interests of the District to utilize the Piggyback Contract to purchase the pre-fabricated building components, including ancillary services and materials from TLS Choice for use at the Britton Middle School site, and possibly other District sites.

NOW THEREFORE, the Board of Education of the Morgan Hill Unified School District hereby finds, determines, declares, orders, and resolves as follows:

1. That the foregoing recitals are true.
2. That the governing board of the District hereby declares that it is in the best interests of the District to purchase modular building cabinet components and other components from TLS Choice for use at the Britton Middle School site, and possibly other District sites.

3. That the governing board of the District hereby authorizes the District's Superintendent and/or his designee, pursuant to this Resolution to take any action which is necessary to carry out, give effect to, and comply with the terms and intent of this Resolution and consistent with the Public Contract Code and District Policy.

PASSED AND ADOPTED by the Board of Education of the MORGAN HILL UNIFIED SCHOOL DISTRICT at a regular meeting held on December 11, 2018 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

DATED _____ SIGNED: _____
_____, President
Board of Education

I, Steve Betando, Secretary of the Board of Education, do hereby certify that the foregoing is true and correct of a resolution adopted by the Board of education of the MORGAN HILL UNIFIED SCHOOL DISTRICT at the regular meeting held on December 11, 2018, which resolution is on file in the office of the said Board.

DATED: _____ SIGNED: _____
Steve Betando, Secretary
Board of Education