

Mr. Brackenridge introduced the following resolution and moved its passage:

RESOLUTION NO. 24-17

SUPPORTING QUALITY CONSTRUCTION

The Superintendent recommends that the Board of Education act to show its support for quality construction for planned construction projects.

Background Information:

1. The Board plans to address facility needs within the District through construction projects, including participating in the Ohio School Facilities Commission's Classroom Facilities Assistance Program (CFAP).
2. The local trades submitted a request to the Board to adopt Best Bid Criteria and Submission Requirements for construction contracts, which have been considered by the Board.
3. The standard for award of construction contracts for improvements to school buildings is established in Ohio Revised Code Section 3313.46 for public school districts is the lowest responsible bidder.
4. Schools may encourage participation by local contractors and vendors within the regional area, but may not require a certain percentage of participation by these local companies when work is subject to the statutory competitive bidding process.
5. When participating in a CFAP project, contract documents prepared by the State are used, and these define the bidding requirements.
6. Contract documents issued to contractors to solicit bids for the work include criteria for determining contractor responsibility. These criteria include: experience under the current and former business names; financial standing, facilities and equipment; on-going and relevant projects; regulatory/contractual information (including state and federal prevailing wage violations or judgments; affirmative action and EDGE program violations; contract abandonment, contract termination, as a contractor or a subcontractor, or surety takeover of a contract; debarment by state, federal, or local jurisdictions; EPA/OSHA violations; liquidated damages and statutory delay forfeiture assessment; and drug-free safety program and drug-free workplace program violations); management (individuals assigned to the project as principal, project manager, and field superintendent, and their experience); and EDGE participation. These criteria are modified for non-CFAP projects as appropriate to delete specific State requirements that are not applicable when the State is not involved in the project.
7. Subcontractors proposed for use by a contractor will be evaluated using the same criteria applied to prime contractors submitting bids for work on District projects.

8. Bidders must submit a complete bid for work on a project; if the bid is not complete (i.e., it does not include all of the required information or documents, or it does not include all of the specified work), then the bid is not responsive and must be rejected as provided in Ohio Revised Code Section 9.312 for CFAP projects or it will not be considered for award of a contract for non-CFAP projects.
9. If a bid submittal is responsive, then the bidder's responsibility is assessed, based upon the criteria included in the Instructions to Bidders. Bidders must complete a Bidder's Qualifications document for CFAP projects (or a similar contractor qualifications statement for non-CFAP projects), which is used to evaluate the bidder's responsibility to perform the work based upon the criteria included in the Instructions to Bidders provided to contractors as part of the Project Manual and Contract Documents for the project.
10. The bid submitted by a bidder that is determined not to be responsible to perform the work will be rejected.
11. Rejecting bids that are not responsible or that are submitted by non-responsible bidders helps ensure quality workmanship, efficient operation, safety, and timely completion of projects.
12. Including the criteria outlined as requirements of the bid process and evaluation of bids received promotes quality construction for District facilities and minimizes claims and other issues related to poor construction.
13. The intent of the Best Bid Criteria and Submission Requirements is included in the process and documents used for CFAP projects and will be incorporated into projects for other construction contracts as described above.
14. Project delivery methods other than competitive bidding are available to public school districts as the result of construction reform legislation enacted in 2011, and these include construction manager at risk (CMR) and design-build (DB).
15. The OFCC encourages the use of alternative construction delivery methods as a way to control quality and to encourage local participation by contractors, as prequalified subcontractors based upon criteria established in the Ohio Administrative Code and as expanded by the CMR or DB firms with input from the District.
16. The Board supports the use of the regional workforce and will work with the appropriate parties to include the goal of using the regional workforce in contract requirements to the extent it can.

The Warren Local School District Board of Education resolves as follows:

1. The Board declares its support of the goal to achieve quality construction for improvements to District facilities, including those included as part of a CFAP project and other improvements pursued independently by the Board.
2. The Board will consider the responsibility criteria outlined above for each apparent low bidder in determining whether to award a contract to that bidder as the lowest responsible bidder for work on any of the Board's projects.
3. The Board will encourage participation by the regional workforce on all construction projects. For the purpose of this Resolution, the region includes the following counties in Ohio, Athens, Belmont, Gallia, Guernsey, Hocking, Noble, Monroe, Morgan, Meigs, Muskingum, Perry, Vinton, and Washington counties and West Virginia the counties include, Calhoun, Doddridge, Gilmer, Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt, and Wood.

Mr. Holbert seconded the motion and, after discussion, a roll call vote was taken and the resolution passed.

AYES: Allen, Bracknridge, Cunn, Holbert, West NAYS: None

The foregoing resolution was adopted by the Board at its meeting on March 20, 2017; this is a copy of the action included in the minutes from that meeting.

Dated: March 20, 2017

WARREN LOCAL SCHOOL DISTRICT
BOARD OF EDUCATION
Melcie J. Wells
Melcie Wells, Treasurer

