

RESOLUTION NO. 41:22-23

**RESOLUTION OF THE PERRIS UNION HIGH SCHOOL DISTRICT
DECLARING THE INFEASIBILITY OF PUBLIC BIDDING TO
PURCHASE CERTAIN VEHICLES AND AUTHORIZING LIMITED
DIRECT PURCHASES OF FIVE VEHICLES**

WHEREAS, the Perris Union High School District (“District”) has an urgent need to purchase the following vehicle types (“Vehicles”) which are necessary for District operations:

Three (3) Minivans or SUVs capable of holding seven (7) to eight (8) passengers; and
two (2) Utility Trucks

WHEREAS, current market conditions, including supply chain disruptions and long lead times, make it impractical for the District to bid and award contracts to purchase the Vehicles that meet the District’s immediate needs and requirements; and

WHEREAS, the District’s ability to procure vehicles to fulfill its business needs is undermined by the District’s ability to obtain the Vehicles necessary in a timely manner by utilizing bidding; and

WHEREAS, the District has attempted to procure Vehicles through competitive bidding, California Multiple Award Schedules, and other methods, but selected vendors have been unable to deliver vehicles in a timely manner to meet the District’s urgent needs; and

WHEREAS, supply chain issues prevent dealers and manufacturers from responding to requests for bids and guaranteeing timely delivery of Vehicles; and

WHEREAS, continuing to attempt to bid for the Vehicles will result in substantial delays in vehicle delivery, with little evidence of positively impacting pricing, and would continue to impair the District’s operations; and

WHEREAS, the District has determined that some or all of the Vehicles may be obtained timely and at a reasonable price directly from dealerships or manufacturers and District staff will continue to seek the best prices for these Vehicles via these purchasing methods; and

WHEREAS, it is in the best interest of the District to obtain these necessary Vehicles as soon as possible and for a reasonable price by foregoing competitive bidding and purchasing directly from dealerships and manufacturers; and

WHEREAS, California law provides that “Where competitive proposals work an incongruity and are unavailing as affecting the final result or where they do not produce any advantage . . . the statute requiring competitive bidding does not apply” (*Hiller v. City of Los Angeles* (1961) 197 Cal.App.2d 685, 694), and that public entities need not comply with competitive bidding processes where to do so would be impractical or futile and would not serve

the purposes of competitive bidding. (*Los Angeles Dredging Company v. City of Long Beach* (1930) 210 Cal. 348; *Graydon v. Pasadena Redevelopment Agency* (1980) 104 Cal.App.3d 631; and *Taylor Bus Service, Inc. v. San Diego Bd. of Education* (1987) 195 Cal.App.3d 1331); and

WHEREAS, competitively bidding the Vehicles is only expected to further delay District operations, and would not produce an advantage to the District or the public.

NOW THEREFORE, the Board of Trustees of the Perris Union High School District hereby resolves, determines, and finds the following:

1. That the foregoing recitals are true and correct.
2. For the sufficient and independent reasons stated above, a competitive public bidding process to purchase the Vehicles would be ineffective and unavailing, would not produce an advantage to the public or the District, and would not serve the goals of the competitive bid process in that it would not obtain the best economic result for the public.
4. Accordingly, the Board of Trustees waives the competitive bidding requirement with respect to the Vehicles, and subject to the following conditions:
 - a. The total cost of any one (1) purchase order shall not exceed the bid limit.
 - b. The Deputy Superintendent shall approve the purchase of any Vehicle pursuant to this resolution and the contracts for such purchases shall be ratified by the Board of Trustees as soon as practical.
 - c. The total number of Vehicles purchased pursuant to the authority in this resolution shall not exceed five (5) vehicles.
5. The authority granted by this resolution shall expire on June 30, 2024, unless extended by the Board of Trustees.

ADOPTED, SIGNED AND APPROVED this 21st day of June, 2023.

AYES:	
NOES:	
ABSTAIN:	
ABSENT:	

Anthony T. Stafford, Sr. _____
 Elizabeth Vallejo _____
 Edward Garcia, Jr. _____
 Steve Campos _____
 David Nelissen _____

Anthony T. Stafford, Sr., President of the Board of Trustees

ATTEST:

Edward Garcia, Jr., Clerk of the Board of Trustees

I, _____, Clerk of the Board of Trustees of the Perris Union High School District, hereby certify that this Resolution was duly adopted at a regular meeting of the Board held on June 21st, 2023 and that it remains in full force and effect.

Edward Garcia, Jr., Clerk of the Board of Trustees