

RESOLUTION AUTHORIZING EMERGENCY REPAIRS

WHEREAS, the Board of Education (the "Board") of North Boone Community Unit School District 200, Boone County, Illinois (the "School District") owns and operates the following school facilities: North Boone Middle School, Capron Elementary School; Manchester Elementary School, and Poplar Grove Elementary School (collectively the "Schools") and

WHEREAS, the Board previously entered into contracts for the design and construction of improvements to the Unit Ventilators ("Univents") providing heat to the Schools; and

WHEREAS, after installation of the Univents, the Schools experienced failures of the Univents during cold weather, resulting in unacceptably low temperatures in the learning environments of the Schools, and on multiple occasions the need to cancel school due to low temperatures or bursting pipes resulting said failures; and

WHEREAS, the Board attempted to work in good faith with the architectural firm which designed the plans and prepared the specifications for the installation of the Univents, the architectural firm's engineers and consultants, and the contractor which installed the Univents to remedy the failures; and

WHEREAS, despite being provided sufficient opportunity to investigate, propose, and implement remedies for the Univent performance issues, no remedial action has been proposed or implemented by the architectural firm; and

WHEREAS, as of the date of this Resolution, the School District faces the imminent freezing temperatures with the coming winter weather which will reasonably be expected to result in additional Univent failures, the risk of damage to the Schools, negative impacts on the learning environment, and the loss of instructional time to students; and

WHEREAS, the Board has received a proposal from J.F. Ahern Co. to repair the Univents (attached hereto as Exhibit "A"); and

WHEREAS, the nature and cost of repairs as proposed exceeds the threshold amount requiring bidding pursuant to Section 10-20.21 of the Illinois *School Code*; and

WHEREAS, after consultation with the Administration and the receipt of information regarding the nature of the repairs, the timeline necessary for completion of the repairs, and the impending winter weather, the Board finds that an emergency beyond the control of the Board exists that threatens to cause further damage to the Schools, negative impacts on the learning environment and the reasonable expectation of additional lost educational opportunities for the students of the School District if not remedied as soon as possible; and

WHEREAS, the current condition of the Univents and the need for remedial work to be performed do not provide the additional time necessary to advertise for bids and complete the bid process for the necessary repairs as set forth in Section 10-20.21 of the *School Code* [105 ILCS 5/10-20.21]; and

WHEREAS, the Board finds that such conditions constitute a *bona fide* emergency, which qualifies as an exception to the bidding requirements pursuant to Section 10-20.21((a)(xiv) [105 ILCS 5/10-20.21(a)(xiv)]; and

WHEREAS, the actions by the Board in adopting this Resolution and entering into a contract for the performance of remedial work shall not be construed as a waiver of any claims or rights against any third party or the assumption of any liability the Board may have with respect to the original design, installation, or failures of the Univents.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education of North Boone Community Unit School District 200, Boone County, Illinois, as follows:

Section 1. The recitals contained in the preamble are hereby incorporated by this reference.

Section 2. The Board hereby authorizes the Superintendent to negotiate the terms and conditions of a contract based on the proposal, with a maximum price as described in the proposal, and subject to review by the Board's attorney, and to execute the final contract resulting from said negotiations. Notwithstanding the foregoing, the Superintendent may negotiate an additional price for necessary work excluded from the proposal, including the cost of required performance and payment bonds. The Superintendent will keep the Board informed regarding the contract negotiations and will provide a copy of the final contract to the Board for its information and inclusion in the official records of the School District.

Section 3. The Superintendent and Executive Director of Business Services are authorized to take all other actions necessary to effectuate the repairs to the Univents at the Schools.

Section 4. This Resolution shall be in full force and effect upon its adoption.

ADOPTED this ____ day of _____, 2025.

AYES: _____

NAYS: _____

ABSENT: _____

BOARD OF EDUCATION,
NORTH BOONE COMMUNITY UNIT
SCHOOL DISTRICT 200, Boone County, Illinois

By: _____
President, Board of Education

Attest: _____
Secretary, Board of Education