



JOINT SCHOOL DISTRICT NO. 2

1303 E. CENTRAL DRIVE
MERIDIAN, IDAHO 83642

DR. LINDA CLARK
SUPERINTENDENT

SCHOOL BOARD MEETING MINUTES

April 18, 2013

Date, Place & Time A special meeting of the Board of Trustees, Joint School District No. 2, convened on Tuesday, April 18, 2013, 7:30 a.m., at the District Service Center, 1303 E. Central Drive, Meridian, Idaho

Trustees in Attendance Chairman Mike Vuittonet, Loraine Hand, Reid Olsen, Anne Ritter, Janet Calinsky by phone

Staff in Attendance Dr. Linda Clark, Dr. Bruce Gestrin, Joe Yochum, Trish Duncan

Guests John Buss, Brent Lacy, Dennis Robinson (CM Company), Tom Mortell, (attorney representing the district), Brian Leisten (CM Company), David Krueck (attorney representing Lacy Mechanical)

CALL TO ORDER Chairman Vuittonet

Employment Recommendations Trustee Olsen moved, Trustee Hand seconded and the vote was unanimous to approve the employment recommendations dated April 16, 2013.

Bid Dispute Mr. Yochum reviewed Bid #307101, Meridian High School Central Plant Mechanical Equipment. The district received six sealed bids for the project which were opened on March 12, 2013. Buss Mechanical was low bid on the project and Lacy Mechanical was second. Following the bid opening, it was discovered Buss had failed to provide the Contractor's Affidavit Concerning Alcohol and Drug-Free Workplace ("Affidavit") in their bid packet. When notified of the discrepancy, Buss provided the district with a notarized copy of the Affidavit and citing the board's right to waive bid informalities, the bid was awarded to Buss Mechanical on March 19, 2013. Upon a letter of protest received from Lacy Mechanical's counsel, the bid was placed on hold pending the outcome of a special meeting of the board of trustees.

Mr. Mortell spoke to the board regarding process and procedure within State Code for a bid protest and explained their rights to waive bid informalities when awarding a bid.

Mr. Krueck addressed the board stating the failure to submit the Affidavit with the bid is a material defect that should have rendered the bid non-responsive under Idaho law. Allowing Buss to provide the Affidavit after the bid opening was an unfair advantage and asked the board to reject the bid from Buss and award to Lacy Mechanical as the lowest responsive bidder.

Trustees reviewed code regarding bid awards and discussed with both attorneys the definition of a material defect. District procedure

regarding the bid process was studied and trustees discussed the ramifications of non-compliance of contractors on bid packets.

At the conclusion of the discussion, Chairman Vuittonet called for a motion from the board. Trustee Olsen made a motion to rebid the contract for the central plant mechanical equipment at Meridian High School and the motion was seconded by Trustee Calinsky. The motion passed unanimously.

ADJOURNMENT

Trustee Hand moved, Trustee Calinsky seconded and the vote was unanimous to adjourn the meeting at 1:00 p.m.

Chairman

Clerk