

WILLIAM S. HART UNION HIGH SCHOOL DISTRICT

RESOLUTION NO. 16/17-15

**APPROVING MULTI-FUNCTION DEVICE/DIGITAL COPIER AND MANAGED
PRINT SERVICES AND MAINTENANCE AGREEMENT WITH AMERICAN
BUSINESS MACHINES, INC. AND ASSOCIATED MUNICIPAL FINANCE
AGREEMENT WITH CANON FINANCIAL SERVICES, INC.**

WHEREAS, the Governing Board (the “Board”) of the William S. Hart Union High School District (the “District”) has determined that a true and very real need exists for the acquisition of Multi-Function Device/Digital Copier machines (the “Equipment”) as more fully described in Schedule A to the Municipal Finance Agreement No. 958678 attached hereto as Appendix “A” and incorporated by reference herein (the Municipal Finance Agreement”); and

WHEREAS, the Board of the District has determined that a true and very real need exists for the acquisition of Managed Print Services (the “Services”) as more fully described in the Multi-Function Device/Digital Copier, Managed Print Services and Maintenance Service Agreement (the “Service Agreement”), attached hereto as Appendix “B” and incorporated by reference herein; and

WHEREAS, the Equipment and the Services shall hereinafter collectively be referred to as the “Property”; and

WHEREAS, due to the highly specialized and unique nature of technology, telecommunications, related equipment, software, and services, and due to the fact that such services, products and materials of such nature are undergoing rapid technological changes, and in order to allow for the introduction of new technological changes into the operations, it is in the District’s best interest to procure the Property in accordance with Public Contract Code section 20118.2; and

WHEREAS, Public Contract Code section 20118.2 further states that it is in the District’s best interest to consider, in addition to price, factors such as vendor financing, performance reliability, standardization, life-cycle costs, delivery timetables, support logistics, the broadest possible range of competing products and materials available, fitness of purchase, manufacturer’s warranties, and similar factors in the award of contracts for technology, telecommunications, related equipment, software, and services; and

WHEREAS, the District finds that the Property being procured by the District qualifies under Public Contract Code section 20118.2(b), and therefore, qualifies for procurement through competitive negotiations; and

WHEREAS, pursuant to Public Contract Code section 20118.2(d), the District evaluated the three (3) proposals it received for the Property in accordance with the evaluation criteria included in the RFP and identified American Business Machines, Inc. (“ABM”) as the highest scoring proposer; and

WHEREAS, ABM's proposal also contained the lowest price for the Property; and

WHEREAS, the District desires to award the contract for the Property to ABM, in accordance with the Service Agreement; and

WHEREAS, the governing board of a school district, under Education Code section 17597 may, by direct sale or otherwise, sell to a purchaser any electronic data processing equipment or other majority items of equipment owned by, or to be owned, by the district, if the purchaser agrees to lease the equipment back to the district for use by the district following the sale; provided the governing board finds, by resolution, that the Property fits within the meaning of this Section, and that the sale and leaseback is the most economical means for providing electronic data processing equipment or other major items of equipment to the District; and

WHEREAS, the Board of the District has by this Resolution determined the need for the Equipment, and authorized the lease/purchase of such Equipment with Canon Financial Services, Inc. (the "Lessor"), pursuant to the Municipal Finance Agreement and the Service Agreement (hereinafter collectively referred to as the "Lease"); and

WHEREAS, the Board of the District has determined that this Lease arrangement is the most economical means for providing the Property to the District.

NOW, THEREFORE, the District Board hereby finds, determines, declares and resolves as follows:

Section 1. All of the recitals set forth above are true and correct and the Board so finds and determines.

Section 2. That the District has met the requirements set forth in Public Contract Code section 20118.2 and therefore, may procure the Property from ABM in accordance with Public Contract Code section 20118.2(c).

Section 3. That the Property being procured by the District qualifies under Public Contract Code section 20118.2(b), and therefore, qualifies for procurement through competitive negotiations.

Section 4. That the District has engaged in competitive negotiations which complied with the requirements set forth in Public Contract Code section 20118.2(d).

Section 5. That the District evaluated the three (3) proposals it received for the Property in accordance with the evaluation criteria contained in the RFP and identified ABM as the highest scoring proposer based on the District's evaluation factors.

Section 6. That the ABM proposal also contained the lowest price for the Property.

Section 7. That District's Governing Board hereby approves the Service Agreement with ABM.

Section 8. The Board hereby finds and determines the Equipment fits within the meaning of Education Code Section 17597 and the Lease provides the most economical means for providing the Property to the District.

Section 9. The form of the Lease by and between the District and Lessor presented to this meeting, and on file with the District, is hereby approved. The Superintendent or Superintendent's designee is hereby authorized and directed, for and in the name of and on behalf of the District, to execute and deliver to Lessor the Lease and such other financing and related documents as necessary to the completion of the transaction contemplated by the Lease with such changes therein as such officer or person may require and approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 10. The District's obligations under such Lease shall be subject to annual appropriation or renewal as set forth in the Lease, and the Lease shall contain such options to purchase by the District as set forth therein.

Section 11. The Superintendent or Superintendent's designee is hereby authorized and directed to do any and all things, and to execute and deliver any and all documents which they may, in consultation with legal counsel, deem necessary or advisable in order to consummate this transaction and otherwise carry out, give effect to and comply with the terms and intent of this Resolution.

Section 12. This Resolution shall be effective as of the date of its adoption.

APPROVED, PASSED AND ADOPTED by the Governing Board of the William S. Hart Union High School District, Los Angeles County, State of California, this 21st day of September by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

President of the Governing Board of
William S. Hart Union High School District

Appendix “A”

Municipal Finance Agreement No.: 958678

(Attached)

Appendix “B”

**Multi-Function Device/Digital Copier, Managed Print Services and Maintenance Service
Agreement**

(Attached)