



Magnolia Public Schools

Audit/Facilities Committee Meeting

Date and Time

Thursday July 13, 2023 at 6:00 PM PDT

Location

Home Office: 250 E. 1st Street, Suite 1500, Los Angeles, CA 90012

Access to the Board Meeting

Any interested parties or community members from remote locations may attend the meeting at any Magnolia Science Academy school, or the addresses where Board Members are joining from. Dialing information is included below:

By dialing into; 1-669-444-9171

Meeting ID: 922 0564 0153 - **Passcode:** 013089

Zoom: <https://zoom.us/j/92205640153?pwd=cHNIWjlnY0dsQmxDTjZFa0pydzR0Zz09>

Accessibility

In compliance with the Americans with Disabilities Act (ADA) and upon request, Magnolia Public Schools may furnish reasonable auxiliary aids and services to qualified individuals with disabilities. Members of the public who need special accommodations or translation are strongly encouraged to contact Magnolia Public Schools at least 24 hours in advance of the Board meeting so assistance can be assured. Please contact Jennifer Lara at 213-628-3634 or email jlara@magnoliapublicschools.org with such requests.

Any public records relating to an agenda item for an open session which are distributed to all, or a majority of all, of the Board Members shall be available for public inspection.

Public Comment Procedures

Magnolia Public Schools greatly values public comment during Board meetings. For members of the public who would like to speak, please fill out the Public Speaker Form which can be accessed at magnoliapublicschools.org, there will also be speaker cards to be filled out prior to the beginning of the meeting. By law, the Board is only allowed to discuss or take action on items listed on the agenda. The Board may, at its discretion, refer a matter to MPS staff or add the issue to a future board meeting date for discussion. Public speakers are limited to three (3) minutes and speakers with interpreters up to six (6) minutes.

Please note that the agenda item times for when that item will be discussed or taken action on is subject to change on the day of the Board meeting to accommodate public speaker times indicated above. For any questions regarding this meeting please email board@magnoliapublicschools.org or call (213) 628-3634 ext. 21101.

Audit/Facilities Committee Members

Mr. Mekan Muhammedov, Chair

Ms. Diane Gonzalez

Mr. Daniel Sheehan

Dr. Salih Dikbas (alternate)

CEO and Superintendent

Mr. Alfredo Rubalcava

Agenda

	Purpose	Presenter	Time
I. Opening Items			6:00 PM
Opening Items			
A. Call the Meeting to Order			1 m
B. Record Attendance and Guests			1 m
C. Approval of Agenda	Vote		1 m
D. Public Comments			3 m
E. Approval of Minutes from MPS Regular Audit/Facilities Committee Meeting - May 10, 2023	Approve Minutes		1 m
II. Recommended Action Items			6:07 PM

	Purpose	Presenter	Time
A. Approval of Contract for Asbestos & Lead Based Abatement and Demolition Contractor for 18242 Sherman Way Reseda, CA 91335	Vote	Patrick Ontiveros	25 m
B. Approval of Use of Omnia for Procurement for Magnolia Science Academy--5 Charter School Facility Program	Vote	Patrick Ontiveros	20 m
III. Closing Items			6:52 PM
A. Adjourn Meeting			1 m

Coversheet

Approval of Contract for Asbestos & Lead Based Abatement and Demolition Contractor for 18242 Sherman Way Reseda, CA 91335

Section: II. Recommended Action Items
Item: A. Approval of Contract for Asbestos & Lead Based Abatement and Demolition Contractor for 18242 Sherman Way Reseda, CA 91335
Purpose: Vote
Submitted by:
Related Material:
II_A_Contract for Asbestos and Lead Based Paint Abatement and Demolition at the MSA-1.pdf



Agenda Item:	II A: Recommended Action Item
Date:	July 13, 2023
To:	Magnolia Educational & Research Foundation dba Magnolia Public Schools (“ MPS ”) Audit and Facilities Committee (the “ Committee ”)
From:	Alfredo Rubalcava, CEO & Superintendent
Staff Lead(s):	Mustafa Sahin, Project Manager Patrick Ontiveros, General Counsel & Director of Facilities
RE:	Approval of Award of Contract for Asbestos and Lead Based Paint Abatement and Demolition at the Magnolia Science Academy—1 (“ MSA-1 ”) Gym upgrade at 18242 Sherman Way.

1. **Action Proposed:**

MPS Staff recommends that the Audit and Facilities Committee approve the award of a contract for (1) asbestos and lead based paint abatement and (2) site demolition for the Magnolia Science Academy—1 (“**MSA-1**”) project at 18242 Sherman Way (together, the “**Project**”) to Quality Environmental for a total fee of \$106,388.70 (\$96,717.00 contract price and 10% or \$9,671.70) and further approve that MPS Staff be authorized to negotiate and sign a professional services contract for said services in such form as MPS Staff may deem appropriate and in the best interests of MPS. Furthermore for the Committee to move and recommend that the Board adopt the same.

2. **Purpose:**

The purpose of this proposed action is to approve the selection of Quality Environmental to abate the asbestos and lead based paint and demolish the inside of the existing building and for the Project and to authorize MPS Staff to negotiate a final contract with Quality Environmental. The Project will be paid for with funds from MSA-1’s operating budget. MPS Staff will seek financing to pay for all tenant improvements to the JAM building and endeavor to use that financing to reimburse itself for the Project.

3. **Background:**

Asbestos Abatement and Demolition RFP

Staff issued an RFP for asbestos abatement and demolition on May 9, 2023 (the “**RFP**”). The RFP was sent to several demolition companies and was also posted on the MPS website. A copy of the RFP is attached as Exhibit A.



	Demo	Abatement	Total	Note
Interior Demolition	\$138,426.00	\$15,000.00	\$153,426.00	
Quality Environmental			\$96,717.00	Submitted the proposal for both Demo and Abatement, but did not separate them
Restoration Management Company		\$73,275.00	\$73,275.00	Submitted the proposal for only abatement
DNS Group	\$131,996.02	\$41,800.00	\$173,796.02	

After careful consideration, MPS Staff determined that Quality Environmental was the best fit for the Project including but not limited to the following reasons: price and reference check. Quality Environmental's response to the RFP is attached as Exhibit B. The other three (3) responses may be found with this [link](#).

4. Analysis & Impact:

MSA-1 purchased 18242 Sherman Way in 2022. MSA-1 would like to convert the building into a gym so they can utilize the space. The gym will have a CIF regulation basketball court and volleyball court.

5. Budget Implications:

MSA-1 will pay for the Project from its operating budget. MSA-1's operating budget will not be materially impacted by the expenditure.

6. Exhibits:

Exhibit A RFP

Exhibit B Quality Environmental RFP Response



EXHIBIT A

Asbestos Abatement and Demolition RFP



MAGNOLIA PUBLIC SCHOOLS

Request for Qualifications / Proposals
for (1) Asbestos Containing Materials and Lead Based Paint
Abatement and (2) Mezzanine Demolition at 18242 Sherman
Way, CA 91335

Due Date:

May 19, 2023 by 5:00 PM

1.0 INTRODUCTION

Magnolia Education & Research Foundation doing-business as Magnolia Public Schools ("MPS"), a charter school management organization, operates Magnolia Science Academy 1 ("MSA-1") located at 18220-18244 Sherman Way Reseda CA 91335. The purpose of this RFP is to obtain proposals from qualified bidders that will enable Magnolia to select a qualified firm to (1) abate the asbestos containing materials and lead based paint, and (2) demolish the existing 1,000 sq ft mezzanine inside the building located at 18242-44 Sherman Way (each a "Project" and together, the "Projects"), in preparation for construction of a new gym. The property is shown on Exhibit A.

Vendors may submit a proposal for both or either of the projects.

Please see the 2.0 Project Description for details.

Site Tour

A site tour will be facilitated.

Proposals Due

Responses to the RFP are due no later than **5:00 PM (PST), Friday, May 19, 2023**, to the following individual:

Mustafa Sahin
Facility Project Manager
Magnolia Public Schools
250 East 1st Street
Suite 1500
Los Angeles, CA 90012
msahin@magnoliapublicschools.org
760-587-6031

Questions regarding this RFP may be directed to the individual identified above via email.

Proposal Format:

One (1) electronic PDF copy (by email) of your proposal must be delivered to the person indicated by the deadline stated above. Please endeavor to keep any emailed material to a single manageable file size (at or about 10 MBs) so that it may be easily distributed to the Selection Committee.

Respondents are encouraged to only include information pertinent to the Projects and the Selection Committee's ability to select the vendor best suited to successfully complete this job.

Interviews:

Interviews will be held at the discretion of MPS and MSA-1. Interviews, if any, are expected to be held according to the schedule outlined above.

Selection Committee:

The Selection Committee will be composed of representatives from MPS and MSA-1

1.1 Timeline

RFP Distributed: May 9, 2023

Proposals Due: May 19, 2023

Interviews, if any (exact date and time TBD):	Week of May 22, 2023
Selection Announced:	Week of May 22, 2023
Contract Execution:	ASAP

2.0 PROJECT DESCRIPTION

The general scope of work is (1) the abatement of the asbestos containing material and lead based paint and (2) the demolition of the existing mezzanine inside the building. The site address is 18242-44 Sherman Way CA, Reseda 91335. The successful respondent(s) shall be responsible for the following:

- Obtain all permits as required by State, County and Local Authorities.
- All utility shutdowns and disconnections, including scheduling and coordination with utility companies, including demolition and capping of utilities at right of way for future use. This includes but is not restricted to electric, natural gas, water, storm, sanitary, phone, cable and fiber optic. All utility company fees for disconnections will be paid by the Owner.
- Lead and Asbestos Abatement per the LBP & ABM report.
- All Investigations and Assessments needed to develop a suitable abatement and demolition plan.
- Complete demolition of the structure on the mezzanine, including but not restricted to all footings, slabs, piping, wiring and ductwork.
- Coordination with all Owner's Consultants and Contractors.
- The selected firm shall provide temporary facilities, services, barriers, pollution controls, prevention of wind-blown debris leaving the site, enclosures, and removal and legal disposal of all demolition and construction debris as required by local, state, and federal codes. This includes securing the site during demolition, and until construction activity begins, with a temporary fence around the demolition areas.
- All demolition work must adhere to all municipal demolition regulations. It is the responsibility of the demolition contractor to verify these regulations and to adhere to them at all times.
- The existing mezzanine is a 2-story wood frame building, approximately 1,000 square feet and was constructed in 1956.
- The demolition plan will need to be submitted and approved by the City of Los Angeles Department of Building and Safety. Securing a demolition permit, and all other necessary municipal approvals, will be the responsibility of the selected firm.
- All bidders shall be responsible for familiarizing themselves with on-site job conditions. Failure to do so shall in no way incur any delays in work or extra cost to the Owner.

The building and premises are available for examination. Please coordinate site access with Mustafa Sahin, msahin@magnoliapublicschools.org or (760) 587-6031.

3.0 PROPOSAL FORMAT

Respondent shall format its response as set forth below to facilitate timely review and selection. Please be specific to the RFP, and do not include materials not explicitly requested, such as generic marketing materials.

Your response should include the following:

- Letter of interest
- Name of your company and the individual responsible for the account
- Restate all the requirements of Section 4.0 and provide responses to each.

See Section 1.0 for additional proposal format clarifications.

4.0 PROPOSAL REQUIREMENTS

4.1 Vendor Qualifications and Experience

4.1.1 Vendor Description.

Provide a description of your company and why it is qualified to undertake the Project(s). In particular, describe your experience with similar projects (that is, projects subject to the California Public Contract code).

Provide the following:

A minimum of three (3) references, including

- (a) name and scope of the project
- (b) client name and contact information
- (c) contract amount

4.1.2 Qualifications and Experience of Key Personnel.

Identify the person(s) that will be principally responsible for working with the MPS and leading this engagement and their qualifications and experience.

4.1.3 Insurance.

Provide a description of vendor's insurance coverage.

4.2 Cost

Respondent's proposal should include an overall cost and should be broken down in detail. The proposal should also provide a break-down of any and all other costs and fees including, but not limited to, labor, delivery fees, installation fees, applicable taxes, etc.

4.3 Schedule

MPS and MSA1 desire to complete this project as soon as possible, please also provide the expected completion of the project.

4.4 Contract

The successful respondent will be required to sign an agreement with Owner in the form of (AIA Document A101-2017). Please provide an affirmative statement of respondent's concurrence or else any changes that respondent desires to make to the form.

5.0 CONTACT

Questions to Owner will be accepted via email by the Project Manager identified above. Answers to questions will be provided to all participants as available.

6.0 RFP/Q EXHIBITS

Exhibit A – Property & Project Location
Exhibit B- ACM & LBP Asbestos Report

7.0 BID ACCEPTANCE/REJECTION & MODIFICATION

The Owner reserves the right to modify this RFP/Q, reject any or all proposals, cancel the solicitation process at its sole discretion. Owner will endeavor to inform all parties who have expressed interest in submitting a response to this RFP/Q of any such changes.

8.0 PROPOSAL VALIDITY

RFP responses shall be valid until execution of a contract, which is expected to occur on or about the week of May 22, 2023. No changes to information received within the Respondent's proposal shall be changed or altered without approval by the Owner.

Exhibit A

Property & Project Location

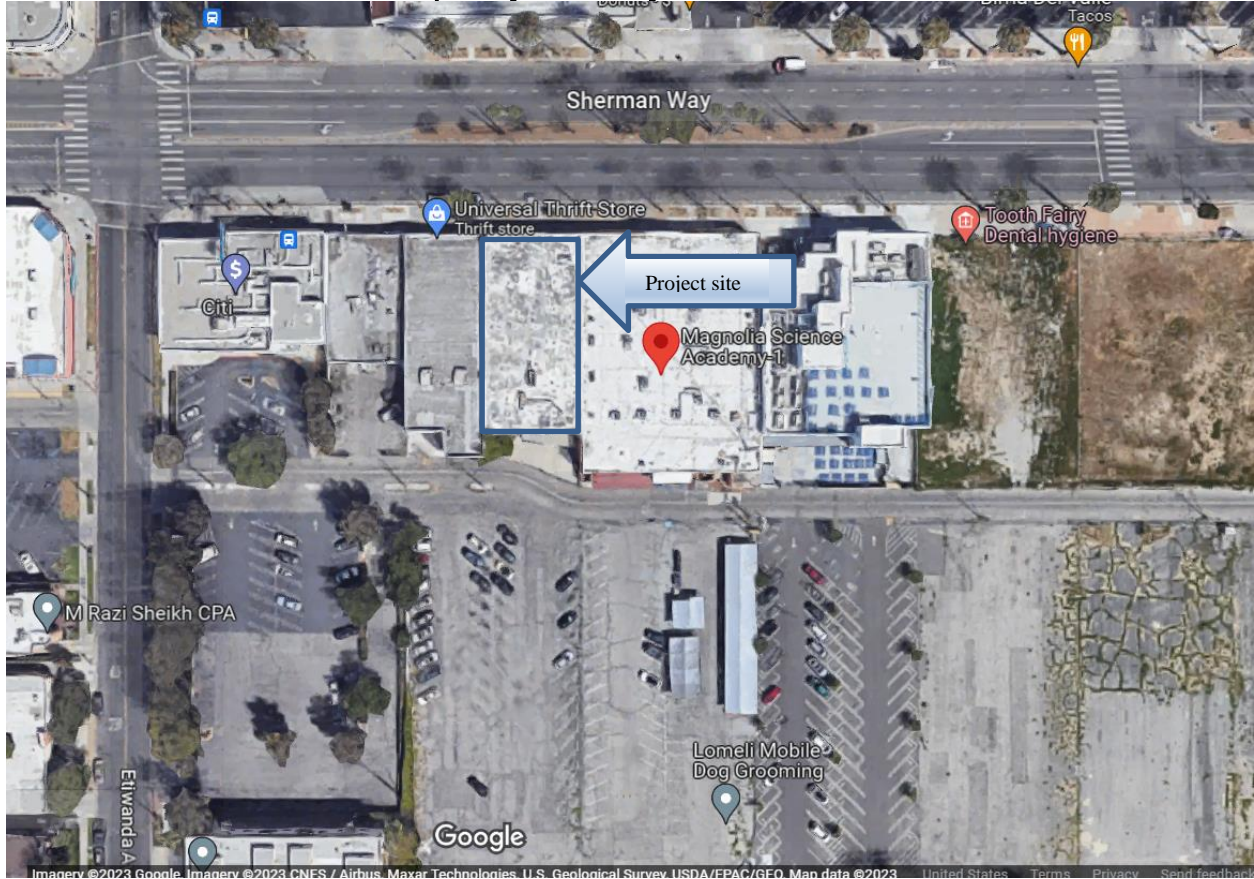


Exhibit B

ACM and LBP Report



EXHIBIT B

Abatement and Interior Demolition RFP Response



QUALITY
ENVIRONMENTAL, INC.

License No. 876494 DOSH No. 947

13123 Lakeland Rd., Ste. A
Santa Fe Springs, CA 90670
(562) 941-1434 Office
(562) 941-1825 Fax

PROPOSAL

Friday, May 26, 2023

Revision 1
Mustafa Sahin
Facility Project Manager
Magnolia Public Schools
250 East 1st Street Suite 1500
Los Angeles, CA 90012
msahin@magnoliapublicschools.org
Ph.: 760-587-6031

Project Name: MPS Sherman Way – Asbestos / Lead Abatement & Selective Demolition
Project Address: 18242 Sherman Way, Reseda Ca.91335
Bid No.: 23-1750

Quality Environmental Inc. is pleased to submit this proposal for Selective Demolition as Per Architectural Demolition plans, Asbestos/Lead Survey Report & Specifications. The purpose of this letter is to describe the scope of work and pricing structure, and to identify any conditions that would require coordination in order to complete your project in a safe and timely manner.

Scope of Work:

Selective Demolition, Asbestos & Lead Abatement:

Selective Demolition:

Sheet A-3.0 – Demolition Floor Plans.

Keynotes:

- 1- Glass to be removed
- 3 - Part of planter will be removed
- 4 – South facing doors will be removed (frame will not be touched)
- 13 – E. flooring to be removed
- 14 – Remove catwalk, A/C vents
- 22 – Remove overhang canopy where E. light are removed
- 24 – Drains and electrical ducts to be removed
- 26 – Floor drains to be cleaned
- 27 – Remove CMU for cut out for door
- 28 – Remove drains and electrical floor duct

Asbestos abatement:

- ◆ Removal and disposal of approx. 200sf.brown 9"x9" vinyl floor tile w/ black mastic
- ◆ Removal and disposal of approx. 1000sf beige 9"x9" vinyl floor tile w/ black mastic
- ◆ Removal and disposal of approx. 200 sf white 12"x12" vinyl floor tile (middle layer) and brown 9"x9" vinyl floor tile (bottom layer) w/ black
- ◆ Removal and disposal of approx. 300sf. of Black Mirror Mastic
- ◆ Removal and disposal of approx. 50 lf. Of thermal system insulation (TSI)
- ◆ Removal and disposal of approx. 18sf. of Transite vent pipe
- ◆ Removal and disposal of approx. 110 sf. of roof mastic

Lead Abatement:

- ◆ Removal and disposal of approx. 100 sf. Of LBP ceramic tile located in 2nd floor bathroom beneath laminate.
- ◆ Removal and disposal of approx. 172 sf. Of LBP ceramic tile and 63 lf. Baseboard located in electric room.
- ◆ Removal and disposal of approx.24 lf. Of LBP window sills located in the 2nd floor
- ◆ Establish Asbestos full Containment in the 1st. floor Main Office / IT Room Downstairs, equipped with 6mil poly, HEPA Negative Air Filtration Units, Deacon Chambers, and Critical Barriers,
- ◆ Wet methods and negative pressure will be used prior and during abatement.
- ◆ We will HEPA Vacuum and wet wipe entire containment area prior to clearances
- ◆ Owner/GC must provide 3rd. party consultant for final clearances

- ◆ *Materials and locations are based on the Asbestos Survey Report*
- ◆ *Areas must be accessible prior to starting.*
- ◆ *Owner must provide water and power during Demolition and abatement activities.*
- ◆ *Private wage rates included*
- ◆ *Owner/GC must cap off, safe off and tag out all utilities.*
- ◆ *Disposal fees included.*
- ◆ *This proposal is based on Regular working hours during regular business days Mon-Fri. (overtime, double time, holydays excluded)*
- ◆ *Owner/GC must provide parking near the working area.*
- ◆ *Owner/GC must provide area for waste container near the working area.*
- ◆ *This project is based on 1 mobilization.*
 - ◆ *Owner/G.C. must provide third - party environmental consultant for final clearances.*
 - ◆ *Owner/Owner Representative must provide a California EPA No. prior to disposal of Haz Waste. A California Temporary EPA No. may be obtained at <https://dtsc-web01.dtsc.ca.gov/epaid/default.aspx>*
- ◆ ***All Q.E Inc. personnel will be wearing the minimum required PPE as per our Q.E Inc. Safety Manual this includes but is not limited to Hardhats, Safety Glasses, Work Gloves, Orange Vest, Leather work gloves, Jeans, Company shirts, and any other PPE that might be required to perform the project in a safe manner.***

Selective Demolition & Asbestos & Lead Abatement Total: \$96,717.00

Note: This price is based on monthly progress payments.

Q.E. Inc is currently MBE, SBE & SLBE Certified

Q.E. Inc currently carries a \$3 mil. G/L Insurance

Exclusions:

- ◆ *Unforeseen work.*
- ◆ *Roof Demolition/ Abatement*
- ◆ *Build back/Construction.*
- ◆ *Power and water*
- ◆ *Procedure 5 Abatement.*
- ◆ *Soil/PCB's/CFC's.*
- ◆ *Shoring/trenching/excavation*
- ◆ *Slabs over 5" thick*
- ◆ *Layouts/ Surfaces preparation.*
- ◆ *Permits/Bonding*
- ◆ *Overtime*
- ◆ *Skim coat removal*
- ◆ *Consultant for clearances*
- ◆ *Patch, fix, paint, and repair*
- ◆ *Damages to walls/ floor from removing subject materials.*
- ◆ *Prevailing wages*

Terms and Conditions

The pricing schedule and work terms in this bid proposal are effective for thirty days from today. This proposal including all conditions, qualifications and exclusions shall be incorporated as part of any agreed contract and any changes will be mutually agreed upon and incorporated into the final contract. Upon acceptance, this proposal shall be made part of an executed contract and in accordance with Q.E. Inc. terms and conditions of proposal. Payment is due in full 100% upon completion. The project will be scheduled and worked during normal business hours Monday through Friday. The duration of this project is noted above under description of quote. This proposal is based on **private** wage rates. Access to work area is limited to Quality Environmental Inc.'s employees and the client's authorized members. The client will provide all necessary water and usable electrical power as well as toilet facilities.

If you have any questions or need additional information, please call the office at **(562)941-1434**.

Sincerely,

Gus Escutia,
President
Quality Environmental Inc.



Work Authorization

This bid proposal and terms are accepted. Quality Environmental Inc. is authorized to proceed with the Selective Demolition, Asbestos & Lead Abatement at 18242 Sherman Way, Reseda Ca.91335. After approving this proposal and terms please sign and fax or email back to Q.E. Inc. for immediate scheduling and coordination.
Fax:(562) 941-1825

Signature: _____ Date: _____

Name: _____

Coversheet

Approval of Use of Omnia for Procurement for Magnolia Science Academy--5 Charter School Facility Program

Section: II. Recommended Action Items
Item: B. Approval of Use of Omnia for Procurement for Magnolia Science Academy--5 Charter School Facility Program
Purpose: Vote
Submitted by:
Related Material: II_B_Use of Omnia for Procurement for MSA-5.pdf



Agenda Item:	II B: Recommended Action Item
Date:	July 13, 2023
To:	Magnolia Educational & Research Foundation dba Magnolia Public Schools (“ MPS ”) Audit and Facilities Committee (the “ Committee ”)
From:	Alfredo Rubalcava, CEO & Superintendent
Staff Lead(s):	Mustafa Sahin, Project Manager Patrick Ontiveros, General Counsel & Director of Facilities
RE:	Approval of Use of Omnia for Procurement for Magnolia Science Academy-5 (“ MSA-5 ”) Charter School Facility Program Project t 7111 Winnetka Ave.

1. **Action Proposed:**

MPS Staff recommends that the Audit and Facilities Committee approve the resolutions attached as Exhibit A for purposes of using Omnia Partners to procure certain materials for the construction of the new campus at 7111 Winnetka Ave (the “**Project**”) for Magnolia Science Academy—5 (“**MSA-5**”). Furthermore, for the Committee to move and recommend that the Board adopt the same.

2. **Purpose:**

The purpose of this proposed action is to approve MPS to participate in and use the Omnia Partners purchasing cooperative to procure long lead items for the Project.

3. **Background:**

Acquisition of Winnetka Ave Property

At its December 19, 2021 meeting, the MPS Board approved MPS signing a purchase and sale agreement (“**PSA**”) for the purchase of the 7111 Winnetka Ave Property and making a good faith, refundable, escrow deposit of Two Hundred Thousand Dollars (\$200,000). Escrow for the purchase and sale of the Property was opened on December 22, 2021. MPS exercised all three (3) of its options to extend the contingency period. At its June 16, 2022 meeting the Board approved the waiver of the contingencies. At the June 16th meeting the Board also approved a loan from CLI Capital to fund the acquisition of the Property.

MPS assigned to MPM Sherman Winnetka LLC (“**Winnetka LLC**”) the right to acquire and take title to the Property with a loan from CLI Capital. Winnetka Ave LLC is a subsidiary of Magnolia Properties Management, Inc., a 501(c)(3) support corporation. Concurrent with the



foregoing assignment, MPS entered into a lease for the Property with Winnetka Ave LLC. Escrow on the Property closed on October 21, 2022.

CSFP Award

MPS Staff applied for funding to the OPSC's CSFP program during the application period held from May 2, 2022 to June 3, 2022. CSFP provides funding to charter schools for new school facilities. On October 26, 2022, the State Allocation Board ("**SAB**") approved a preliminary apportionment in the amount of \$50,832,332. Awards made by CSFP are 50% loan and 50% grant. The loan portion is paid back by the award recipient and is amortized over 30 years. The CSFP award will be used to construct the Project for MSA-5 which is currently co-located with MSA-1 on MSA-1's campus.

Architect of Record Selection

The DLR Group was selected as the architect of record for the Project at the Board's January 12, 2023 meeting.

Construction Manager Selection

At its April 13, 2023, the Board approved the selection of Erickson-Hall Construction Inc. as the construction manager ("**CM**") for the Project under a multi-prime delivery method.

4. Analysis & Impact:

MPS's CM for the Project recommends that MPS join the Omnia Partners purchasing cooperative for purposes of purchasing long lead items at a more favorable price with standard contractual terms and conditions.

5. Budget Implications:

MSA-5 will pay for the materials, supplies, equipment, and related services for the Science Academy 5 Project from its operating budget and expects that it will be reimbursed with proceeds from the CSFP award.

7. Exhibits:

Exhibit A Resolution



EXHIBIT A

BEFORE THE GOVERNING BOARD OF DIRECTORS OF MAGNOLIA PUBLIC SCHOOLS

RESOLUTION TO APPROVE COOPERATIVE PURCHASING CONTRACTS FROM OTHER PUBLIC AGENCIES OR OTHER STATES TO PROCURE VARIOUS MATERIALS, SUPPLIES, EQUIPMENT, AND RELATED SERVICES

RESOLUTION NO. _____

WHEREAS, the Governing Board of Directors (the “**Board**”) of Magnolia Educational & Research Foundation dba Magnolia Public Schools (“**Magnolia**”) has determined that a need exists to quickly and efficiently procure various materials, supplies, equipment, and related services for the Science Academy 5 Project (collectively, “**Materials and Equipment**”);

WHEREAS, the Attorney General of the State of California concluded that a charter school may not be formed as a separate legal entity from the school district that granted the charter, and that whether a charter school may exercise independent legal rights to contract for services, is governed by the provisions of the particular charter. See 81 Ops.Cal.Atty.Gen. 140 (1998);

WHEREAS, the charter for Magnolia, its Memorandum of Understanding with the Los Angeles County Office of Education, its board policies, and applicable law do not prohibit Magnolia from procuring Materials and Equipment in the same manner a school district may (including Los Angeles Unified School District) pursuant to applicable laws and regulations and in fact will potentially allow Magnolia to procure Materials and Equipment at lower cost as a result of economies of scale;

WHEREAS, the governing board of a school district may under Section 20118 of the California Public Contract Code, without advertising for bids, if the board has determined it to be in the best interest of the district, authorize by contract, lease, requisition or purchase order, any public corporation or agency to lease data-processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors, services and other personal property for the district in the manner in which the public corporation is authorized by law to lease or purchase;

WHEREAS, pursuant to California Public Contract Code section 20118 and California Government Code section 6500 *et seq.*, school districts can participate in programs including multi-state purchasing groups for governmental entities and school districts including, but not limited to: OMNIA Partners which now includes or incorporates National IPA, The Cooperative Purchasing Network, U.S. Communities, and others; National Association of State Procurement Officials/ NASPO ValuePoint System; Sourcewell; and other current and future programs and cooperatives (collectively, “**Cooperative Programs**”); and

WHEREAS, the Board of Magnolia has determined that it is in the best interest of Magnolia to authorize the procurement of required Materials and Equipment through approved Cooperative Programs subject to the following conditions:

- a. Confirmation that the applicable Cooperative Program is valid and was properly procured by the public corporation or agency in a manner that the public corporation or agency is authorized by law to make such leases or purchases;



- b. Confirmation that the Cooperative Program authorizes school districts or charter schools to procure the specific Materials and Equipment Magnolia requires, and confirmation that Magnolia will only procure the specific Materials and Equipment as set forth in the applicable Cooperative Program at the same or lower approved price or prices;
- c. Magnolia shall register or become a member of the Cooperative Program as necessary or required; and
- d. Any contract, lease, requisition, or purchase order procured pursuant to this Resolution shall be approved or ratified by the Board, with said approval or ratification to be evidenced by a motion of the Board duly passed and adopted.

NOW, THEREFORE, the 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.** The Board hereby finds and determines the acquisition of the Materials and Equipment under an approved Cooperative Program pursuant to Public Contract Code section 20118 and Government Code section 6500, *et seq.* to be in the best interest of Magnolia.
- Section 3.** The Board hereby finds and determines that Magnolia's operating documents (including its) and applicable law do not prohibit the procurement of the Materials and Equipment in the same manner that a California public school may pursuant to the applicable laws and regulations.
- Section 4.** Due to the cost savings associated with the acquisition of Materials and Equipment, given that purchases through a Cooperative Program have already proceeded through a procurement and bidding process, the Board waives any requirements to comply with any bidding or procurement requirements in its Financial Policies and Procedures for these purchases.
- Section 5.** The Board hereby approves the delegation of authority and appoints Magnolia's Chief Executive Officer and Superintendent, its Chief Financial Officer, and their designees, who is and are hereby authorized and directed, pursuant to a majority of the vote of the Governing Board, to do any and all things and to negotiate, execute and deliver any and all documents which they may, in consultation with legal counsel, deem necessary or advisable in order to complete any required transaction and bring it to the Board for approval or ratification, and otherwise carry out, give effect to and comply with the terms and intent of this Resolution.
- Section 6.** This Resolution shall be effective as of the date of its adoption.



APPROVED, PASSED AND ADOPTED by the Governing Board of Magnolia Educational & Research Foundation this ____ day of _____ 2023, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAINED: _____

I, Mekan Muhammedov, Chair of the Governing Board of Directors for Magnolia Educational & Research Foundation, do hereby certify that the foregoing is full, true, and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution is on file in office of said Board.

Chair of the Board of Directors
Magnolia Educational & Research Foundation

I, Jennifer Lara, Secretary for the Governing Board of Directors for Magnolia Educational & Research Foundation, do hereby certify that the foregoing resolution was regularly introduced and adopted by the Governing Board at a regular meeting thereof held on the ____ day of _____ 2023, by the above-described vote of the Governing Board;

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____ 2023.

Secretary
Magnolia Educational & Research Foundation