

**RESOLUTION OF THE BOARD OF TRUSTEES
OF THE WEST HARDIN COUNTY CONSOLIDATED INDEPENDENT SCHOOL DISTRICT
REGARDING UNFORESEEN OPERATIONAL FAILURE, PURCHASING, AND
DELEGATION OF TEMPORARY PURCHASING
AUTHORITY TO THE SUPERINTENDENT**

WHEREAS, the coronavirus (COVID-19) pandemic has resulted in the closure of West Hardin County Consolidated ISD schools and/or significant modification of District operations and on March 31, 2020, the Governor ordered that all schools remain closed at least through May 4, 2020, and continued order prohibiting gatherings of more than 10 people; and

WHEREAS, under the Governor's Executive Order, the COVID 19 pandemic constitutes an unforeseen "operational failure" suffered by educational institutions and their physical facilities, as contemplated under Texas Education Code Section 44.031(h); and

WHEREAS, as a result of the pandemic, the District has begun to offer Distance Learning that will continue at least through May 4, 2020, which will likely require the purchase of computer equipment, computer related equipment, bandwidth, wireless hot spots for students and staff, consulting services, and other goods and services; and

WHEREAS, the Board recognizes that the District may need to make purchases necessary to address COVID-19 or related emergency caused by school closure and to meet the education needs of the District and supports the Superintendent's ability to make those decisions as the educational leader of the District; and

WHEREAS, Policy CH (Local) requires Board authority for the District to make a budgeted purchase of goods or services that costs \$25,000 or more unless the purchase is of a continuing or periodic nature under a Board approved contract or bid; and

WHEREAS, there is a need to expedite the purchase of goods and services that are required for the District to shift its operations to include Distance Learning, particularly given current and anticipated demands and/or potential supply-side delays or shortages to needed goods and services arising from the pandemic; and

WHEREAS, as a result of the pandemic, compliance with Policy CH (Legal), CH (Local), Texas Education Code, Section 44.031(a), and the requirement for Board purchasing approval and competitive procurement methods will result in delays to the procurement of good and services that will prevent or substantially impair the District's ability to launch, maintain or enhance its virtual learning platform, the provision of classes or other essential school activities; and

WHEREAS, during the duration of the Declaration of Disaster and resulting Executive Orders of the Governor, alternative purchasing methods other than those required in Policy CH (Legal), CH Local), and Texas Education Code, Section 44.031(a) are necessary to replace traditional classroom facilities and instructional equipment with alternative goods, including, but not limited to, computer, technology, cleaning, disinfection, air quality and testing goods and services.

NOW THEREFORE BE IT RESOLVED

1. The Board finds that the recitals noted above are true and correct and hereby adopted; and

2. The Board determines that, for the duration of the Declaration of Disaster and resulting Executive Orders of the Governor, the delay posed by the methods provided for in Texas Education Code Section 44.031 would prevent or substantially impair the conduct of classes or other essential school functions; and
3. The Board finds that to the extent possible, the term of any contracts awarded pursuant to Texas Education Code Section 44.031(h) shall not extend longer than reasonably necessary to respond to the Declaration of Disaster and comply with Executive Orders of the Governor; and
4. The Board finds that the District's best interests are served by delegating authority to the Superintendent to procure, negotiate and contract for goods and services that are required to respond to District needs caused by COVID 19, subject to compliance with the scope set forth in this Resolution; and
5. The Board specifically delegates the authority under CH (LOCAL) to the Superintendent to make budgeted purchases for goods or services related to COVID-19. The Board further delegates the authority to the Superintendent to make purchases of goods or services whether budgeted or unbudgeted related to COVID-19 up to \$50,000 for the duration of this emergency. The purchasing authority limit for the Superintendent under CH (LOCAL) is otherwise suspended during the emergency or until the Board otherwise takes action; until then, this provision will govern. Any single purchase of goods or services over the above-referenced amount, regardless of whether they are competitively purchased, shall require Board approval before a transaction may take place; and
6. The suspension of the requirements of CH (Legal), CH (Local), and Texas Education Code, Section 44.031(a) is solely for the duration of the Declaration of Disaster and resulting Executive Orders of the Governor, temporary and limited, and shall not extend longer than reasonably necessary to respond to the operational failure caused by the COVID 19 pandemic in accordance with federal, state or local declarations, executive or court orders, and other governmental directives as determined by the Superintendent; and
7. The Superintendent will report all purchases of goods and services under this resolution to the Board and will present to the Board budget amendments for contracts entered into under the authority of this Resolution, as soon as reasonably practicable; and
8. This Resolution shall take effect immediately upon its passage and until otherwise revoked by Board action.

PASSED AND ADOPTED this _____ day of April, 2020.

BY: _____
President, Board of Trustees
West Hardin County Consolidated Independent School District

ATTEST

BY: _____
Secretary, Board of Trustees
West Hardin County Consolidated Independent School
District