

## RESOLUTION

WHEREAS, the Board of Directors (“**Board**”) of the Fort Smith Public School District (the “**District**”) recognizes that Morrison Elementary School (the “**Morrison**”) experienced damage from a tornado on May 3, 2021, such damage to include damage to heating, ventilation and air-conditioning systems; and

WHEREAS, the Board and District recognize that remediation and restoration of Morrison (the “**Work**”) is necessary to make the school suitable for classroom education, and that work to remediate and restore Morrison needs to occur expeditiously in order for Morrison to be ready for the upcoming school year;

WHEREAS, accordingly, after review of the options available to the District, the Board has determined that it is necessary to deem the situation a critical, unforeseen and unavoidable emergency under relevant Arkansas procurement regulations and laws, including Ark. Code Ann. § 6-21-305; and

WHEREAS, in light of this declaration, the District has determined it is in the best interest of the District to engage Beshears Construction (“**Beshears**”) to complete the Work at Morrison for the District because the District has relevant qualification information for Beshears related to this Work and confidence that Beshears can timely complete the Work necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DISTRICT THAT:

- (1) In light of the tornado damage, the District declares the Work necessary at Morrison to be a critical, unforeseen and unavoidable emergency; and
- (2) Beshears will be engaged to complete the Work in accordance with customary and standard AIA construction documents.

*[CERTIFICATE FOLLOWS ON NEXT PAGE]*

**CERTIFICATE**

I, the undersigned, Secretary of the Board of Directors of the above District, certify the foregoing to be a true copy of a Resolution duly adopted by the Board at a regular (regular or special) meeting of the Board held on the 14<sup>th</sup> day of June, 2021. The Resolution appears in the official minutes of the meeting which are in my custody. At the time of the meeting the duly elected (or appointed), qualified and serving members of the Board and their respective votes on the adoption of the Resolution were as follows:

<u>Director</u>	<u>Vote</u> <u>(Aye, Nay, Abstain or Absent)</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

I further certify that the meeting of the Board was duly convened and held in all respects according to law; that to the extent required by law due and proper notice of the meeting was given to the members of the Board and to the public; that the meeting was open to the public; that a legal quorum was present throughout the meeting; that all other requirements and proceedings under the law incident to the proper adoption and passage of the Resolution have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this Certificate.

CERTIFIED under my hand and seal of the District this \_\_\_\_\_ day of June, 2021.

(SEAL)

\_\_\_\_\_  
Secretary