

8.1 APPROVAL OF RESOLUTION RESCINDING SOLAR CONTRACT AND REJECTING ALL SOLAR BIDS

A. SUBJECT

This item is included on the agenda so the Board of Education can adopt a resolution pertaining to contract(s) previously signed by the Board with GRNE/Nelnet Renewable Energy.

B. INFORMATION

On May 3, 2023, the Board published notice and solicited bids for a solar project. On June 1, 2023, the Board received and publicly opened two bids for the solar project. The Board awarded GRNE Solar a contract in the amount of \$3,675,910 on July 25, 2023. After the Board's contract award, GRNE became Nelnet Renewable Energy. Also, after the Board's contract award, GRNE/Nelnet requested revisions to the contract terms, even though the terms and conditions of the proposed agreement were contained in the original bid specifications. On December 12, 2023, the Board accepted and approved the contract as revised with GRNE/Nelnet in the amount of \$3,675,910. After the Board's approval of the revised contract, GRNE/Nelnet requested a substantial increase in the contract price.

C. RECOMMENDATION

The Superintendent recommends approval of the Resolution Rescinding Solar Contract and Rejecting All Solar Bids.

D. SUGGESTED MOTION

Move to waive the reading of and approve the Resolution Rescinding Solar Contract and Rejecting All Solar Bids.

**RESOLUTION RESCINDING SOLAR CONTRACT
AND REJECTING ALL SOLAR BIDS**

WHEREAS, on May 3, 2023, the Board of Education of Woodstock Community Unit School District No. 200, McHenry County, Illinois (“Board”) published notice and solicited bids for a solar project; and

WHEREAS, on June 1, 2023, the Board received and publicly opened two bids for the solar project, one of which was from GRNE Solar; and

WHEREAS, on July 25, 2023, the Board awarded a contract to GRNE Solar in the amount of \$3,675,910; and

WHEREAS, GRNE Solar became Nelnet Renewable Energy; and

WHEREAS, after the Board’s July 25th contract award, although the terms and conditions of the proposed agreement were contained in the original bid specifications, due to the unique nature of solar energy contracts, GRNE/Nelnet requested revisions to the contract terms; and

WHEREAS, on December 12, 2023, the Board of Education accepted the contract as revised with GRNE/Nelnet in the amount of \$3,675,910; and

WHEREAS, after the Board’s December 12th acceptance of the revised contract, GRNE/Nelnet requested an increase in the contract price; and

WHEREAS, the Board may treat GRNE/Nelnet’s request for an increase in contract price as either a counter-offer or a repudiation of the Board’s award and, in either instance, the Board is no longer bound to the contract with GRNE/Nelnet as awarded; and

WHEREAS, the Board expressly reserved the right to reject any and all bids in the original bid specifications for the project; and

WHEREAS, under Robert’s Rules and the *School Code*, the Board may rescind any action by majority vote; and

WHEREAS, the Board wishes to rescind its July 25th and December 12th actions on the solar contract and to reject all bids for the solar project.

NOW, THEREFORE, be it hereby resolved by the Board of Education of Woodstock Community Unit School District No. 200, McHenry County, Illinois, as follows:

Section 1. Incorporation of Preambles. The preambles to this Resolution are incorporated herein by this reference.

Section 2. Rescission of Actions on Solar Contract. The Board’s July 25, 2023, and December 12, 2023, actions on the solar contract are hereby rescinded in their entirety.

Section 3. Rejection of All Bids. The Board hereby rejects all bids received for the solar project received in response to its May 3, 2023, invitation for bid.

Section 4. Notification to Parties/Execution of Documents. The Superintendent or designee are hereby directed and authorized to notify all necessary parties and to execute such further documents, subject to legal review, as are necessary to implement this resolution.

Section 5. Effective Date. That this Resolution shall be in full force and effect immediately upon its passage and all motions, actions or resolutions in conflict herewith are repealed.

ADOPTED this __ day of January, 2024, by the following roll call vote:

AYES:

NAYES:

ABSENT:

Board President

ATTEST:

Board Secretary