

**Happy Valley School District  
Board of Trustees  
Special Board Meeting  
June 30, 2025  
9:00 am, MPR  
Agenda**

**A. Approval of Agenda**

**B. Community Input**

Members of the audience are welcome to address the Board of Trustees at this time during the meeting regarding items not listed on this agenda. The Trustees may ask questions for clarity but cannot take action on those matters, if desired, until such matters are appropriately placed on a future agenda, according to law. Three minutes may be allotted to each speaker and a maximum of twenty minutes to each subject matter (Board bylaws 9323).

**C. Action Item**

**1. Resolution 24-25-10, A Resolution of the Governing Board of Education of the Happy Valley Elementary School District Declaring (1) The Futility of Publicly Bidding And (2) Delegating Authority To Enter Into A Contract For The District's Portable Restroom Building Project**

The Board will consider approval of Board Resolution 24-25-10, A Resolution of the Governing Board of Education of the Happy Valley Elementary School District Declaring (1) The Futility of Publicly Bidding and (2) Delegating Authority To Enter Into A Contract For The District's Portable Restroom Building Project

**D. Communications and Announcements**

1. Aug. 13- First Day of School
2. Aug. 13- Board Meeting, 3:30 pm, MPR

**E. Adjournment**

**AGENDA ITEM NO. \_1\_: Approval of Resolution No. 24-25-10, Declaring the Futility of Publicly Bidding and Delegating Authority to Enter into a Contract for the District's Portable Restroom Building Project.**

**BACKGROUND:** Public Contract code section 20111(b)(2) requires public school districts to competitively bid public projects over \$15,000. The District bid its Portable Restroom Building Project ("Project") pursuant to the requirements set forth in Public Contract Code section 20111 et seq. two (2) times. The District did not receive any bids for the Project either time. California case law states that "[w]here competitive proposals work an incongruity and are unavailing as affecting the final result or where they do not produce any advantage . . . the statute requiring competitive bidding does not apply" (*Hiller v. City of Los Angeles* (1961) 197 Cal.App.2d 685, 694), and public entities need not comply with competitive bidding processes where to do so would be impractical or futile and would not serve the purposes of competitive bidding. (*Los Angeles Dredging Company v. City of Long Beach* (1930) 2 Cal. 348; *Graydon v. Pasadena Redevelopment Agency* (1980) 104 Cal.App.3d 631.).

If the District went out to bid again for the Project, it is unlikely that it would receive any bids. The District has an immediate need for the performance of the Project because it must be completed over the summer before students and staff return for the 2025-2026 academic year. The District solicited proposals for the Project from two (2) contractors, and determined that JM Construction ("Contractor") provided the lowest pricing for the Project.

The District would like to award a contract to Contractor for the Project but did not have time to prepare the document before this Board meeting. The District therefore seeks to streamline the process for entering into the contract with Contractor for the Project ("Contract") by delegating authority to the Superintendent and their designee(s) to do so pursuant to Education Code section 17604. The Contract must be in the same form as the contract documents that were put out to bid for the Project for an amount not-to-exceed \$260,000. The Contract will be brought back to the Board for ratification at a subsequent Board meeting.

District staff therefore requests that the Board approve the Resolution finding that bidding the Project is futile and delegating authority to the Superintendent and their designee(s) to enter into a contract with Contractor for the Project in the same form as the contract documents that were put out to bid for the Project for an amount not-to-exceed \$260,000.

**RECOMMENDATION/REQUESTED ACTION:** Approve Resolution No. 24-25-10 Declaring the Futility of Publicly Bidding and Delegating Authority to Enter into a Contract for the District's Portable Restroom Building Project.

RESOLUTION 24-25-10

**A RESOLUTION OF THE GOVERNING BOARD OF EDUCATION  
OF THE HAPPY VALLEY ELEMENTARY SCHOOL DISTRICT DECLARING  
(1) THE FUTILITY OF PUBLICLY BIDDING AND  
(2) DELEGATING AUTHORITY TO ENTER INTO A CONTRACT  
FOR THE DISTRICT'S PORTABLE RESTROOM BUILDING PROJECT**

**FUTILITY**

**WHEREAS**, Public Contract Code section 20111(b)(2) requires public school districts to competitively bid public projects over \$15,000; and

**WHEREAS**, the Happy Valley Elementary School District ("District") went out to bid for its Portable Restroom Building Project ("Project") pursuant to Public Contract Code section 20111 on April 11, 2025; and

**WHEREAS**, bids were due for the Project on May 13, 2025, but the District received no bids for the Project; and

**WHEREAS**, the District went out to bid for the Project a second time pursuant to Public Contract Code section 20111 on May 23, 2025; and

**WHEREAS**, bids were due for the Project on June 16, 2025, but the District received no bids for the Project; and

**WHEREAS**, the District has an immediate need for the performance of the Project because that work must be performed over the summer before students and staff return for the 2025-2026 academic year; and

**WHEREAS**, the District investigated the cost of the Project and two (2) contractors provided proposals for the Project; and

**WHEREAS**, District staff determined that JM Construction ("Contractor") provided the lowest pricing for the Project; and

**WHEREAS**, District staff and the District's architect believe Contractor's pricing for the Project is accurate and consistent with current market pricing; and

**WHEREAS**, continuing to bid the Project pursuant to Public Contract Code section 20111 would result in increased costs, waste, and delay, which would be at the expense of the District and is likely to result in no bids; and

**WHEREAS**, California law provides that, "Where competitive proposals work an incongruity and are unavailing as affecting the final result or where they do not produce any advantage . . . the statute requiring competitive bidding does not apply" (*Hiller v. City of Los Angeles* (1961) 197 Cal.App.2d 685, 694), and public entities need not comply with competitive bidding processes where to do so would be impractical or futile and would not serve the purposes of competitive bidding. (*Los Angeles Dredging Company v. City of Long Beach* (1930) 2 Cal. 348; *Graydon v. Pasadena Redevelopment Agency* (1980) 104 Cal.App.3d 631.); and

**WHEREAS**, bidding the Project again would not produce an advantage to the District; and

**WHEREAS**, bidding the Project again would be futile and would not serve the purposes of competitive bidding; and

## **DELEGATION**

**WHEREAS**, the District is a California public school district that can only be contractually bound by the District's Board of Education ("Board"); and

**WHEREAS**, Education Code section 17604 authorizes a school district's governing board, by a majority vote, to delegate to the district's superintendent, or to any persons he or she may designate, to award contracts, subject to the provision that "no contract made pursuant to the delegation and authorization shall be valid or constitute an enforceable obligation against the district unless and until the same shall have been approved or ratified by the governing board, the approval or ratification to be evidenced by a motion of the board duly passed and adopted"; and

**WHEREAS**, the District's Board desires to streamline the process for entering into the contract with Contractor for the Project ("Contract") by delegating authority to enter into that contract to the Superintendent and their designee(s); and

**WHEREAS**, the District's Board desires for the Contract to be in the same form as the contract documents that were put out to bid for the Project for an amount not-to-exceed \$260,000; and

**WHEREAS**, the Contract will and must be brought to the Board for ratification at a subsequent Board meeting; and

**NOW THEREFORE**, the Governing Board of the Happy Valley Elementary School District hereby finds, determines, declares, orders, and resolves as follows:

1. That the above recitals are true and correct;
2. For the reasons stated above, publicly bidding the Project would not produce an advantage to the District, would produce a net burden and distinct disadvantages to the District, and it would be incongruous, futile, and unavailing to publicly bid the Project;
3. That the District's Board hereby delegates the authority to award the Contract to the District's Superintendent and their designee(s).
4. That the Contract must be in the same form as the contract documents that were put out to bid for the Project for an amount not-to-exceed \$260,000.
5. That the Contract approved by those authorized to do so pursuant to this delegation shall be submitted to the District's Board for ratification.
6. That the District's Superintendent and their designee(s) are authorized pursuant to this Resolution to take any action which is necessary to carry out, give effect to, and comply with the terms and intent of this Resolution.

**PASSED AND ADOPTED** this 30<sup>th</sup> day of June 2025, by the Board of Education of the Happy Valley Elementary School District, by the following vote:

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSENT: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
President, Board of Education of the

Happy Valley Elementary School District

I, \_\_\_\_\_, Clerk of the Board of Education of the Happy Valley Elementary School District hereby certify that the foregoing Resolution was regularly introduced, passed, and adopted by the Board of Education at its regular meeting held on June 30, 2025.

\_\_\_\_\_  
Clerk, Board of Education  
Happy Valley Elementary School District