

## Board of Education Special Meeting

Friday, April 24, 2015 12:00 PM

Central Office Conference Room, 543 West 5th, Minden, NE 68959-0301

Ken Carpenter: Present  
Justin Glanzer: Present  
Craig Grams: Present  
Richard Jacobsen: Present  
Kevin Raun: Present  
Rusty Rhynalds: Present

### 1. Roll Call

### 2. New Business

#### 2.a. Consider, Discuss, & Take Action on Approval of Utility Relocation Subcontracts

**Action(s):**

Motion to approve the utility relocation subcontracts Passed with a motion by Craig Grams and a second by Ken Carpenter.

**Voting Detail:**

Ken Carpenter: Yea  
Justin Glanzer: Yea  
Craig Grams: Yea  
Richard Jacobsen: Yea  
Kevin Raun: Yea  
Rusty Rhynalds: Yea

**Voting Summary:** Yea: 6, Nay: 0

#### 2.b. Consider, Discuss, & Take all necessary action with regard to the request of Boyd Jones Construction as Construction Manager at Risk ("CM@R") for the new High School Project ("Project") for adoption by the Board of Education of a protocol (1) to review of subcontractor bids and negotiated contract presented by the construction manager, Boyd Jones Construction, and (2) for a process to initiate the exercise of Board of Education discretion on acceptance of such subcontractor bids and negotiated contract presented by the construction manager

**Action(s):**

Motion that the Board of Education should and does hereby establish the attached protocol for review of the recommendation of the lowest bid or negotiated contract for the New High School Project (Project) by the Minden Public School District Passed with a motion by Rusty Rhynalds and a second by Justin Glanzer.

**Voting Detail:**

Ken Carpenter: Yea

Justin Glanzer: Yea  
Craig Grams: Yea  
Richard Jacobsen: Yea  
Kevin Raun: Yea  
Rusty Rhynalds: Yea

**Voting Summary:** Yea: 6, Nay: 0

2.c. Consider, Discuss, & Take Action on Purchase Agreement to Purchase Property at 2350 North Brown Avenue in Minden, NE - added 4/22/2015

3. **Adjournment**

**Action(s):**

Motion to adjourn the meeting Passed with a motion by Justin Glanzer and a second by Ken Carpenter.

**Voting Detail:**

Ken Carpenter: Yea  
Justin Glanzer: Yea  
Craig Grams: Yea  
Richard Jacobsen: Yea  
Kevin Raun: Yea  
Rusty Rhynalds: Yea

**Voting Summary:** Yea: 6, Nay: 0

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Board Secretary

***Resolution Regarding Acceptance of Bid Tabulations or Negotiated Contract Proposals  
Submitted by the CM@R***

WHEREAS, the Agreement between the Minden Public School District and Boyd Jones Construction, construction manager (CM@R) for the new High School Project (the "Project), as amended, provides at paragraph 2.5.3.3.2.9.2 that for purposes of the Project:

1. Upon identifying the responsible bidders for a portion of the Work, the CM@R shall advise on which of the responsible bidders has submitted the lowest bid or negotiated contract;
2. The lowest total price is not always dispositive of this question because public bodies retain an official discretion to determine which bid or negotiated contract offers the best value to their constituents; and,
3. The Board of Education, as Owner, shall have discretion to award the contract to one other than the lowest of the responsible bidders or negotiated contract whenever a submitted bid or negotiated contract contains a relevant advantage; and,

WHEREAS, the Board of Education deems it necessary to establish a process for review of the recommendation of the lowest bid or negotiated contract, and the method for exercise of the discretion of the Board of Education provided in the Agreement with the CM@R.

NOW THEREFORE, Member \_\_\_\_\_ moved, and member \_\_\_\_\_ seconded the motion that the Board of Education should and does hereby establish the following protocol for the for review of the recommendation of the lowest bid or negotiated contract for the New high School Project (Project) by the Minden Public School District:

1. The Superintendent of Schools shall receive the bid tabulations or negotiated contract proposal submitted by the CM@R;
2. Upon receipt the Superintendent shall e-mail the bid tabulations or negotiated contract proposal submitted by the CM@R to all member of the Board of Education;
3. Within three (3) days of the issuance of the e-mail with the bid tabulations or negotiated contract proposal submitted by the CM@R, a member of the Board of Education may by return e-mail to the Superintendent a request for review and action on the bids or negotiated contract proposals submitted by the CM@R;
4. If there is no timely request by a member of the Board of Education for the bid tabulations or negotiated contract proposal submitted by the CM@R to be placed upon the agenda for a regular or special meeting for consideration by the Board of Education, the Board of Education hereby delegates to and authorizes the Superintendent of Schools to inform the CM@R that the bid tabulations or negotiated contract proposal submitted by the CM@R have been accepted by the School District, and to execute all documents and take all other necessary action necessary to acceptance of such bids or negotiated contracts in the performance of the

Work of the Project;

5. If there is a timely request by a member of the Board of Education for the bid tabulations or negotiated contract proposal submitted by the CM@R to be placed upon the agenda for a regular or special meeting for consideration by the Board of Education, the Superintendent of Schools in conjunction with the President of the Board of Education shall place same on the agenda for the next regular or special meeting of the Board of Education for action thereon.

Upon the foregoing motion having been read in its entirety, Member \_\_\_\_\_ moved for tis passage and adoption, and Member \_\_\_\_\_ seconded same; after discussion, a roll call vote of the Board of Education was conducted:

The following members voted in favor of passage and adoption of the motion: \_\_\_\_\_  
\_\_\_\_\_.

The following members voted against passage and adoption of the motion: \_\_\_\_\_.

The following members were absent or not voting: \_\_\_\_\_.

The above Motion having been: [CHECK APPROPRIATE BOX]

Consented to by more than a majority of the members of the School Board of this School District was declared as passed and adopted; or,

Not- consented to by more than a majority of the members of the School Board of this School District was declared as not passed and not adopted

by the presiding officer of the School Board at a duly held and lawfully convened meeting in full compliance with the Nebraska Open Meetings Law.

DATED this 24<sup>th</sup> day of April, 2015.

KEARNEY COUNTY SCHOOL  
DISTRICT 50-0001, a/k/a MINDEN  
PUBLIC SCHOOLS

By: \_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary