

NOTICE OF SPECIAL MEETING

NOTICE IS HEREBY GIVEN that the Board of Education and the Superintendent of the Fresno Unified School District will meet in Open Session at the Education Center, 2nd Floor, Board Room, 2309 Tulare Street, Fresno, CA 93721 on:

MONDAY, MARCH 20, 2017, 6:15 P.M.

PRESENT and DISCUSS Bid Protest re Bid 17-14 for Fresno High School-Royce Hall Acoustical Improvements/Remodel and take ACTION to Deny Bid Protest Consistent with Hearing Officer's Decision and Staff's Recommendation, or Sustain Bid Protest and Reject Hearing Officer's Decision and Recommendation from Staff.

On March 15, 2017, the Board received a binder of documentation relevant to this bid protest on the project to improve sound quality, lighting controls, stage sight lines, architectural integrity and accessibility for performers and audience members with disabilities, and provide new carpet and paint for Royce Hall. Lewis C. Nelson & Sons ("LCN") was the low bidder on the project; however, staff concluded the bid had to be rejected because of a Board member's indirect, non-remote, financial interest in contracts involving LCN. Consistent with the District's Formal Bid/Proposal Protest Procedure, LCN filed a bid protest arguing contrary to District staff that the Board member's indirect financial interest was remote and thus, the Board of Education could award Bid 17-14 to LCN as long as that Board member abstained from the vote.

A bid protest hearing was held before Hearing Officer Gary W. Schons of Best, Best & Krieger, LLP, San Diego. The Hearing Officer issued a decision dated March 10, 2017, rejecting LCN's bid protest and ruling that the Board member's indirect financial interest does not qualify as a "remote interest." Thereafter, LCN notified the District that its bid protest was not resolved and pursuant to the District's Protest Procedure, this matter was referred to the Board of Education along with all the bid protest documentation, including the Hearing Officer's Decision.

Unscheduled Oral Communication

Individuals who wish to address the Board on the topic listed on this agenda may do so when the Board President calls for public comment. While all time limitations are at the discretion of the Board President, generally members of the public will be limited to a maximum of three (3) minutes per speaker for a total of thirty (30) minutes of public comment. Individuals with

questions on any item on this agenda may submit them in writing. The Board will automatically refer formal requests to the Superintendent for response by the appropriate staff member.

By direction of the Board of Education.

ROBERT G. NELSON, Secretary to the
Board of Education

Fresno, California

Posted: Friday, March 17, 2017

A handwritten signature in blue ink that reads "Robert G. Nelson". The signature is written in a cursive style with a large initial "R" and a long horizontal stroke at the end.