

RESOLUTION NO. 883

A RESOLUTION OF THE BOARD OF DIRECTORS OF EVERETT SCHOOL DISTRICT NO. 2, SNOHOMISH COUNTY, WASHINGTON, REJECTING THE BID PROTEST OF SPEE WEST CONSTRUCTION AND ACCEPTING THE BID OF EBENAL GENERAL INC. FOR CONSTRUCTION OF THE SILVER LAKE ELEMENTARY SCHOOL MODERNIZATION AND ADDITION PROJECT

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF EVERETT SCHOOL DISTRICT NO. 2, SNOHOMISH COUNTY, WASHINGTON, as follows:

WHEREAS, Everett School District No. 2, Snohomish County, Washington ("District"), solicited and received bids for the construction of the Silver Lake Elementary School Modernization and Addition project ("Project") pursuant to RCW 28A.335.190; and

WHEREAS, the Project specifications require the data cabling subcontractor to provide an Ortronics Extended Product and Applications Assurance Warranty; and

WHEREAS, Spee West Construction Co. ("Spee"), the apparent second-low bidder, has protested the bid of the apparent low-bidder, Ebenal General Inc. ("Ebenal"), contending that Ebenal's bid is non-responsive; and

WHEREAS, the basis for Spee's protest is that the proposed data cabling subcontractor listed in Ebenal's bid was not listed on Ortronics' web site as an Ortronics certified installer at the time bids were opened; and

WHEREAS, Ortronics confirmed that Ebenal's proposed data cabling subcontractor will be able to provide the specified warranty for its work; and

WHEREAS, the District has carefully considered the situation and allowed due process to all parties, and

WHEREAS, Washington law permits the District to waive any non-material bid irregularities; and

WHEREAS, the District has determined that Ebenal's bid irregularities, if any, are not material;

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED AND ORDERED as follows:

Section 1: Ebenal's bid irregularities, if any, are not material.


Section 2: The District hereby waives any such irregularities in Ebenal's bid.

Section 3: The District hereby rejects the bid protest of Spee West Construction Co.


Section 4: The District hereby awards the general construction contract for the Project to Ebenal General, Inc. for \$9,880,000.00 and, upon such approval and compliance, authorizes the District Superintendent to execute the construction contract on behalf of the District.

ADOPTED by the Board of Directors of Everett School District No. 2 at a regular open public meeting on this 19 day of June, 2007.

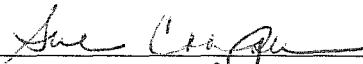
EVERETT SCHOOL DISTRICT NO. 2
Snohomish County, Washington



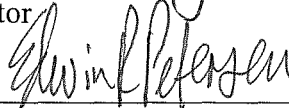
President



Vice President



Director



Director

Director

ATTEST:

