

MOUNTAIN VIEW LOS ALTOS HIGH SCHOOL DISTRICT

RESOLUTION NO. 20-17

**A RESOLUTION OF THE BOARD OF EDUCATION
DETERMINING THAT AN EMERGENCY EXISTS AND FINDING THAT IT WOULD BE
FUTILE TO SOLICIT BIDS OR PROPOSALS TO PROCURE SERVICES TO RESTORE
AND ESTABLISH THE DISTRICT'S COMMUNICATIONS SYSTEM**

WHEREAS, Public Contract Code section 20111(a)(1) requires the school district's governing board to let to the lowest responsible bidder any contracts for services, except construction services, involving an expenditure of more than \$95,200, the adjusted competitive bid threshold for 2020.

WHEREAS, Public Contract Code section 20118.2 authorizes the school district, after certain findings made by the governing board, to procure contracts for telecommunications, technology, and related services through competitive procurement.

WHEREAS, Public Contract Code section 1102 defines an emergency as a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

WHEREAS, on January 29, 2020, the Mountain View Los Altos High School District ("District") detected symptoms of infection ("Malware") with its computers, networks and their ancillary systems, including the server that runs the District's voice-over internet phone ("VOIP") system.

WHEREAS, the vendor for the VOIP system went out of business approximately two years ago and the software for the system was purchased in 2011, so the District is unable to restore and rebuild the existing VOIP system.

WHEREAS, the District has been unable to perform and maintain its essential services and is functionally non-operational with no access to its cloud-based data, network, and other programs and platforms, including its telecommunications system.

WHEREAS, since the Malware attack, the District has installed 28 temporary phone lines District-wide which allows external communication with the District sites, but these lines do not allow intra-communication between classrooms on the same site.

WHEREAS, soon after detecting the Malware, the District secured services from a local technology consultant specializing in removal of Malware and restoration and repair of systems after an infection, and has been working diligently with the consultant to look at options to restore the District's various impacted systems, including the telecommunications system.

WHEREAS, the District must immediately restore its communications system and establish its permanent communications system District-wide to prevent or mitigate the loss or impairment of life, health, property, or essential public services, specifically, the proper and safe operation of the District's schools.

WHEREAS, in light of the upcoming Spring Break, and due to the time-sensitive nature of the cyberattack and the continued inability for District classrooms to communicate

with each other, there is insufficient time for formal bidding or to publish a competitive bidding process to procure a telecommunications contractor in accordance with Public Contract Code sections 20111(a)(1) and 20118.2, respectively, and therefore, it will be futile to elicit bids or proposals.

NOW THEREFORE, BE IT RESOLVED that the District Board of Education hereby approves, adopts, and determines the following:

Section 1. That the foregoing recitals are true.

Section 2. That the foregoing facts constitute an emergency as defined in Public Contract Code section 1102 and that the Board determines that it would be futile to attempt to elicit bids or proposals for the work, in accordance with the pertinent Public Contract Code provisions, due to the nature of the work to prevent and/or mitigate further delay, loss or impairment of property and essential public services.

Section 3. That the Board authorizes staff to enter into one or more contracts for relevant scopes of work, and to take all other actions necessary, to perform all necessary work to remove the Malware from the District's system, and to repair, restore, and establish the various components of the District's system affected by the Malware, including replacement of any portions or components, without advertising for bids or issuing a request for proposals. District staff shall return to the Board to request ratification of the contracts entered into pursuant to this Resolution.

Section 4. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this 9th day of March, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sanjay Dave,
President, Board of Education

Nellie Meyer, Ed.D.
Superintendent