



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 13.1k

Meeting Date: February 15, 2024

Subject: Approve Resolution No. 3380 Declaring Futility of Competitive Bidding for Procurement of Replacement Air Filters for Air Purifiers from Oransi, LLC and Authorize Purchase of Air Filters from Oransi, LLC in the amount of \$186,718.88

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: _____)
- Conference/Action
- Action
- Public Hearing

Division: Business Services

Recommendation: Approve Resolution No. 3380 Declaring Futility of Competitive Bidding for Procurement of Replacement Air Filters for Air Purifiers from Oransi, LLC and Authorize Purchase of Air Filters from Oransi, LLC in the amount of \$186,718.88

Background/Rationale: Staff recommends the Board adopt Resolution No. 3380 in order to procure “Genuine Oransi” replacement air filters specific to Oransi MOD air purifiers and that are supplied solely by Oransi, LLC (“Vendor”).

In 2021, the District purchased and installed HEPA “MOD” air purifiers (“Equipment”) from Vendor for all District departments and school sites in response to the COVID-19 pandemic. The air filters for the Equipment must now be replaced so that the Equipment may optimally function. The Vendor is the sole supplier of the Equipment, and “Genuine Oransi” are proprietary to Vendor in the way the filters function within the Equipment.

District staff have researched the availability of the air filters and have been unable to locate any “Genuine Oransi” air filters available from other suppliers, with only generic filters claimed to be compatible with the Equipment available. District staff recommends that “Genuine Oransi” air filters are procured for the Equipment. The Equipment and filters are claimed to be proprietary to Vendor, and the air filters supplied by Vendor are thus expected to be the most efficient and optimal for the functioning of the Equipment.

California law provides that where the competitive process does not produce any advantage, and would be incongruous, futile, and unavailing, the statute requiring

competitive bidding does not apply.” (Hiller v. City of Los Angeles (1961) 197 Cal. App. 2d (685, 694.)

Resolution No.3380 identifies the futility of advertising for bids, or to initiate any other authorized procurement methodology, for procurement of the “Genuine Oransi” air filters, because the “Genuine Oransi” air filters are proprietary to Vendor and thus, offered for purchase solely from Vendor.

Financial Considerations:

The purchase amount is \$186,718.88, including a 5% bulk discount, shipping and tax.

LCAP Goal(s):

Documents Attached:

Resolution No. 3380 Declaring Futility of Competitive Bidding for Procurement of Replacement Air Filters for Air Purifiers from Oransi, LLC

Estimated Time of Presentation: N/A

Submitted by: Janea Marking, Chief Business Officer
Tina Alvarez-Bevens, Contract Analyst

Approved by: Lisa Allen, Interim Superintendent

**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
RESOLUTION No. 3380**

**RESOLUTION DECLARING FUTILITY OF COMPETITIVE BIDDING FOR
PROCUREMENT OF REPLACEMENT FILTERS FOR AIR PURIFIERS FROM ORANSI, LLC
AND AUTHORIZE PURCHASE OF AIR FILTERS FROM ORANSI, LLC**

WHEREAS, Education Code section 17660 sets forth the policy that school facilities provide healthy indoor air quality to students, teachers, and other occupants in order to protect occupant health, reduce sick days, and improve student productivity and performance;

WHEREAS, in 2021, the Sacramento City Unified School District ("District") purchased and installed HEPA "MOD" air purifiers ("Equipment") from Oransi, LLC ("Vendor") for all District departments and school sites in response to the COVID-19 pandemic;

WHEREAS, from time to time the air filters (SKU: RFMD)("Air Filters") specific to the Equipment will need to be replaced at all District departments and school sites so that the Equipment may optimally function, necessitating the District to purchase Air Filters in the quantity and at the price indicated in Vendor's quote, attached as **EXHIBIT A**;

WHEREAS, Vendor is the sole supplier of the Equipment, and the replacement Air Filters are proprietary to Vendor in the way the filters function within the Equipment, as explained by Vendor in the attached **EXHIBIT B**;

WHEREAS, District staff have researched the availability of the Air Filters and have been unable to locate any "Genuine Oransi" Air Filters available from other suppliers, with only generic filters claimed to be compatible with the Equipment available; and

WHEREAS, District staff recommends that "Genuine Oransi" Air Filters are procured for the Equipment, as the Equipment and filters are claimed to be proprietary to Vendor, and Air Filters supplied by Vendor are thus expected to be the most efficient and optimal for the functioning of the Equipment;

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 purchase of equipment, materials, supplies or services, except construction services, involving an expenditure of more than \$114,500, which is the annually adjusted competitive bid threshold for 2024;

WHEREAS, California law provides 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

WHEREAS, it would be incongruous, futile, and unavailing for the District to advertise for bids, or initiate other authorized procurement methods, for procurement of the replacement Air Filters for the Equipment because the Vendor is the sole supplier of its Equipment as well as the replacement Air Filters, which are proprietary to the Vendor in the way they function within the Equipment's system.

NOW THEREFORE, the Board of Education of the Sacramento City Unified School District hereby resolves, determines, and finds the following:

Section 1. That the foregoing recitals are true.

Section 2. That, based on the foregoing, it would be incongruous, futile, and unavailing to publicly bid the procurement of the replacement Air Filters for the Equipment;

Section 3. In addition, it would not produce an advantage to the District, and would produce a net burden and distinct disadvantages to the District to publicly bid the procurement of the replacement Air Filters for the Equipment.

Section 4. That the District's Superintendent or designee is authorized to proceed with issuing a purchase order and/or executing an agreement with Vendor for the procurement of the replacement Air Filters for the Equipment, in the quantities and at the price indicated in **EXHIBIT A**, without advertising for or inviting bids, or to initiate any other procurement methodology, and to take all steps and perform all actions necessary to execute and implement such purchase order and/or agreement.

PASSED AND ADOPTED on this 15TH day of February, 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Lavinia Grace Phillips, Board President

ATTEST: _____
Lisa Allen, Interim Superintendent

EXHIBIT A



Quotation

Created on	Quote#
12/16/2023	QU0-39

113 Corporate Blvd
Radford VA 24141
United States

Bill to:

Sacramento City Unified School District
5735 47th Avenue
Sacramento CA 95824
United States

Ship to:

Sacramento City Unified School District
2401 Aorin Road
Sacramento CA. 95822
United States

created by	Email	Expires on	FOB	Freight Terms	Payment Terms
crystal Mu1-ic;k	omusic1c:@oransi.com	1/5/2024	Destination	Prepay	Net30

Item	Quantity	Rate	Amount
RFMD MOD R place ent .Fliter	3,000	\$59.99	\$179,970.00
Bulk Discount			\$-8,998.50

Comments:

Lead-Time- 2-3 Days ARO

- Prices above do not include taxes. If Tax Exempt please provide a copy of the certificate.
- Taxes, Shipping and handling if applicable will be added to the Invoice.

Signature: _____ Date: _____

Printed Name: _____

Terms and Conditions: <https://oransi.com/pages/global-procurement-terms>

Product Warranty: <https://oransi.com/blogs/blog/warranty>

subtotal	\$170,971.50
Tax Total (8.75%)	\$15,747.38
Shipping Total	\$(0.00)
Total	\$186,718.88

EXHIBIT B

January 19, 2024



Sacramento City Unified School District
2401 Florin Road
Sacramento California 95822

To whom it may concern,

This letter certifies that Oransi LLC located at 113 Corporate Drive in Radford, Virginia is the sole source of the Mod Air Purifiers (SKU: MD01) and that the filters (SKU: RFMD) associated with the air purifiers are proprietary to the system with Oransi LLC being the sole source of the filters as well.

Please do not hesitate to contact me for any further information.

Best Regards,

Ben Barani
COO
113 Corporate Drive
Radford, VA 24141

A stylized, handwritten signature in black ink that reads "8--K".