

DAVIS JOINT UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 40-17

DELL FINANCIAL SERVICES LEASE PURCHASE SCHEDULE NO. 001-6330955-008

WHEREAS, the Governing Board (the “Board”) of the Davis Joint Unified School District (the “District”) has determined that a true and very real need exists for the acquisition of computer equipment (the “Property”); and

WHEREAS, the governing board of a school district, under Section 10299 of the California Public Contract Code, may, without competitive bidding, contract with suppliers that have been awarded contracts, master agreements, multiple award schedules, cooperative agreements or other types of agreements that leverage the state’s buying power, for acquisitions authorized under Chapter 2 (commencing with Section 10290), Chapter 3 (commencing with Section 12100), and Chapter 3.6 (commencing with Section 12125) of the California Public Contract Code; and

WHEREAS, the Board of the District has determined that it is in the best interest of the District to authorize the Property from Dell Marketing L.P. through a bid procured by the National Association of State Procurement Officials (“NASPO”) and the Western State Contracting Alliance (“WSCA”), and pursuant to the California Participating Addendum No. 7-15-70-34-003 to the Computer Equipment Master Agreement No.: MNWNC-108 (“Agreement”); and

WHEREAS, the governing board of a school district, under Education Code section 17597 may, by direct sale or otherwise, sell to a purchaser any electronic data processing equipment or other majority items of equipment owned by, or to be owned, by the district, if the purchaser agrees to lease the equipment back to the district for use by the district following the sale; provided the governing board finds, by resolution, that the meaning of this Section, and that the sale and leaseback is the most economical means for providing electronic data processing equipment or other major items of equipment to the District; and

WHEREAS, the Board of the District has by this Resolution determined the need for the Property, and authorized the lease/purchase of such Property with Dell Financial Services L.L.C. (the “Lessor”), pursuant to the attached Master Lease Agreement No. 6330955, dated April 28, 2009, as amended by Amendment 01 dated March 4, 2010, and associated Lease Purchase Schedule No. 001-6330955-008 (the “Lease”), attached hereto as Exhibit “A”; and

WHEREAS, the Board of the District has determined that this Lease arrangement is the most economical means for providing the Property to the District.

NOW, THEREFORE, the District Board hereby finds, determines, declares and resolves as follows:

Section 1. All of the recitals set forth above are true and correct and the Board so finds and determines.

Section 2. The Board hereby finds and determines the acquisition of the Property pursuant to Public Contract Code section 10299 under the Agreement to be in the best interest of the District.

Section 3. The Board hereby finds and determines the Lease provides the most economical means for providing the Property to the District.

Section 4. The form of the Lease by and between the District and Lessor presented at this meeting, and on file with the District, is hereby approved. The Superintendent or Superintendent's designee is hereby authorized and directed, for and in the name of and on behalf of the District, to execute and deliver to Lessor the Lease and such other financing and related documents as necessary to the completion of the transaction contemplated by the Lease with such changes therein as such officer or person may require and approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 5. The District's obligations under such Lease shall be subject to annual appropriation or renewal as set forth in the Lease, and the Lease shall contain such options to purchase by the District as set forth therein.

Section 6. The Superintendent or Superintendent's designee is hereby authorized and directed to do any and all things, and to execute and deliver any and all documents which they may, in consultation with legal counsel, deem necessary or advisable in order to consummate this transaction and otherwise carry out, give effect to and comply with the terms and intent of this Resolution.

Section 7. This Resolution shall be effective as of the date of its adoption.

APPROVED, PASSED AND ADOPTED by the Governing Board of the Davis Joint Unified School District, Yolo County, State of California, this ____ day of _____ by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

President of the Governing Board of
Davis Joint Unified School District

Exhibit “A”

**Master Lease Agreement No. 6330955, dated April 28, 2009, as amended by Amendment 01
dated March 4, 2010, and associated Lease Purchase Schedule No. 001-6330955-008
(the “Lease”)**

(attached)