

(Encl 4.1)

7/9/24

June 25, 2024

Meeting Type: Regular Meeting

Date: Tuesday, June 25, 2024

Start Time: 4:00 p.m.

WHEREAS, due to the disruption to instructional or administrative functions that would result should the items covered by this resolution be no longer available to Western Suffolk BOCES; and

WHEREAS, these items were previously obtained through processes consistent with then current Board policy; and

WHEREAS, after careful review by Western Suffolk BOCES staff, the companies listed below provide the resources most suitable to the needs of the agency;

IT IS THEREFORE RESOLVED, that Western Suffolk BOCES is hereby authorized to extend the agreements for the 2024-25 fiscal year for the vendors listed below and at the estimated amounts indicated:

Vendor	Amount	Vendor	Amount
Aceware Systems, Inc.	\$9,350	Govenda (formerly Boardbookit)	\$13,000
Active Internet Technologies dba Finalsight (formerly Blackboard Connect)	\$7,200	Heartland School Solutions	\$4,900
BenefitFocus.com, Inc.	\$58,000		

Approval of Bid Awards

The members of the Board reviewed the bid analysis presented by the Chief Operating Officer. Mr. Sales moved, Mrs. Cunningham seconded, and the Board voted unanimously to approve awards to the lowest bidders meeting specifications as listed on the schedule dated June 25, 2024.

(Listing referred to is designated as Encl. 5.2 and is incorporated with the official minutes of this meeting.)

Resolution to Retain Special Legal Counsel [R]

On motion by Mr. Sales, seconded by Mrs. Cunningham, the Board voted for Resolution to Retain Special Legal Counsel as follows:

WHEREAS, Western Suffolk BOCES has several outstanding matters involving ongoing collective bargaining and mediation between Western Suffolk BOCES and Unit V, IX and Unit XII, and

WHEREAS, these matters have been assigned to Keane & Beane PC whose services have been viewed as positive and effective, andgal Counsel [R]

WHEREAS the BOCES further desires to take certain preliminary actions to provide such financing, including, but not limited to, the making of certain findings and evaluations of financing alternatives required pursuant to 2 NYCRR Section 39.2, and to execute the Lease Purchase Agreements, subject to the prior review and approval of the BOCES' counsel, Van Nostrand & Martin.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education of the BOCES as follows:

Section 1. The BOCES has evaluated the financing alternatives available to it and hereby determined that it is in the best interest of the BOCES to finance the project pursuant to the Lease Purchase Agreement for the following reasons:

a) As provided by law and regulation, in accordance with 8 NYCRR 170.3, the project may not be financed by the BOCES under the New York Local Finance Law, but may be financed through an equipment lease purchase agreement. The use of an equipment lease purchase agreement pursuant to 109-b of the General Municipal Law provides the BOCES with a means to directly finance the Project.

b) The only other financing alternative available to the BOCES involves the financing of the Project through certain joint action of the component school districts of the BOCES. This alternative would be costly and not meet the time schedule of the BOCES.

c) The use of an equipment lease purchase agreement provides th

Section 3. The officers, employees and agents of the BOCES are hereby authorized and directed for and in the name and on behalf of the BOCES to do all acts and things required or provided for by the provisions of the Lease Purchase Agreement, including all acts and things necessary to ensure the interest component of the rental payments due under the Equipment Lease Purchase Agreement is excludable from gross income tax pursuant to Section 103 of the Internal Revenue code of 1986, as amended (the "Code"), and to designate the Equipment Lease Purchase Agreement as a "qualified tax-exempt obligation" under Section 265 of the Code, and to execute and deliver all such additional certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officers, employee or agent acting, desirable and proper to effect the purpose of the foregoing resolution and to cause compliance by the BOCES with all of the terms, covenants and provisions of the Lease Purchase Agreement, binding upon the BOCES.

Section 4. The execution of the aforesaid documents, and the subsequent delivery of the same to TD Bank is herewith made subject to the prior approval of the Commissioner of Education as required by 8 NYCRR 170.3 (f)(6).

Section 5. Subject to the review and approval of the counsel to the BOCES, it is hereby found and determined that the terms of the subject Lease Purchase Agreement is in the best interests of the BOCES for the acquisition of the equipment.

Section 6. This resolution shall take effect immediately.

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect and further certifies that the within Equipment Lease/Purchase agreement is the same as presented at said meeting of the governing body of Lessee.

(Listing referred to is designated as Encl. 5.4 and is incorporated with the official minutes of this meeting.)

ADJOURNMENT

At 5:05 p.m. there being no further business items for discussion, the meeting was adjourned on motion by Mr. W.W. Wssss itc, d-3(tin)-dy