

## **Regular Board of Education Meeting**

Monday, May 12, 2025 6:00 PM

Gering High School - Freshmen Academy Wing, 1500 U  
Street, Gering, NE 69341



# **Agenda**

{{Name: Agenda Item Name}}

## **1. GPS Board of Education Information**

*The meeting agenda will be kept current and available for public inspection in the office of the Secretary of the Board of Education at the Central Office during regular working hours.*

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**District Vision:** *Gering Public Schools provides a collaborative community, inspiring excellence and innovation in teaching and learning to empower student growth and leadership in school and life.*

**District Mission:** *Gering Public Schools exists to equip today's learners with the skills necessary to be tomorrow's leaders.*

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*The Open Meetings Act requires and the intention of the Board is that agenda items be sufficiently descriptive to give the public reasonable notice of matters to be considered at the meeting. The Board of Education releases its agenda well in advance of most meetings and desires that all interested persons are fully informed. Any interested person who has a question or needs clarification about the sufficiency of a descriptive item should contact the Office of the Superintendent of Schools.*

*If anyone in attendance is interested in addressing our Board, you are welcome to do so. We simply request that you complete the appropriate form and turn it in to us now, so that you may be recognized during the 'Patron Comment' section of our meeting. These forms are located by the entry doors of the meeting room.*

*Agenda items are subject to reordering at the discretion of the board president. Board members may request specific agenda item(s) be moved to a different place on the agenda. Please attend the entire meeting to ensure you hear discussion on a particular agenda item.*

## **2. Opening Procedures**

2.1. Call to Order

The Board of Education reserves the right to enter into Executive Session for the protection of the public interest, or the prevention of needless injury to the reputation of an individual, and if the individual has not requested a public meeting.

2.2. Roll Call

2.3. Pledge of Allegiance

2.4. Open Meetings Act

Pursuant to Section 84-1412 of the Nebraska Statutes, the public is hereby informed that a current copy of the Nebraska Open Meetings Act is posted in the Board meeting room on the north wall.

Notice of this meeting was published in the Star Herald on Thursday, May 8th, 2025.

3. **Consent Agenda**

At this time, any Board member may request that any item in the consent agenda be removed from the consent agenda and be considered and voted on separately.

3.1. Minutes from the previous month's board meeting(s)

3.2. Approval of Claims/Bills

Fund Amount

01 General \$507,393.20

03 Employee \$269.50

05 Activity \$74,132.56

06 Nutrition \$13,383.

Fund Totals: \$595,178.27

3.3. Board Policy Adoption

3.3.i. First Reading of Board Policies

3.3.ii. Second Reading of Board Policies

3.4. Personnel Items

3.4.i. Certified Staff Contract(s) Stacey Boutain - SPED Teacher, Northfield Elementary

Peter Hernandez - SPED Teacher, GHS

Toni Becker - SLPA/SPED Teacher, Lincoln Elementary

Michelle Moore - Counselor, Lincoln Elementary

Caleb Moore - Math Teacher, GHS

Tony Simonsen - Counselor, Northfield Elementary

Stepheni Pitts-Welchlin - Preschool Teacher

3.4.ii. Certified Staff Resignation(s) Brandy Foos - Preschool SPED, Lincoln Elementary

3.4.iii. Early Graduation Request - Grayson Hawley

**4. Celebration of Excellence**

4.1. Student Success -  
ESports  
State Journalism  
National Merit Finalist  
Bulldogs Helping Bulldogs

4.2. Building Report - Northfield Elementary

**5. Reports & Discussions**

5.1. Board Committee Report: Curriculum & Personnel

5.2. Board Committee Report: Business & Facilities

5.3. Superintendent's Report

**6. Public Comments: 204.12**

**7. Action Items**

7.1. Discuss, consider, and take action to adopt a resolution selecting the construction management at risk contract delivery system for a School Facilities Improvement Project as presented, including designating members of the Construction Manager at Risk Selection Committee.

7.2. Review, revise, and ratify Policy 902.3 on Construction Management at Risk Contracts.

**8. Board Comments**

8.1. Tentative Upcoming Board Meeting/Event Dates

[Future Board Meetings](#)

Special Meeting: Tues, May 27th, 2025 @ 12:00 p.m. (Central Office)

Regular Meeting: Mon, June 9th, 2025 @ 6:00 p.m. (Freshmen Academy)

**Tentative Committee Meeting Dates:**

Personnel & Curriculum Committee: Tues, June 3rd, 2025 @ 7:00 a.m. (Central Office)

Middle School Improvement Committee: Wed, June 4th, 2025 @ 4:30 p.m. (Central Office)

Finance & Facilities Committee: Thurs, June 5th, 2025 @ 4:30 p.m. (Central Office)

**Upcoming Event Highlights:**

Graduation: Sat, May 17th @ 10:00 a.m.

Reimagining GMS: A Community Conversation: Wed, May 28th @ 6:00 p.m. (GMS)

**9. Adjourn**

## Regular Board of Education Meeting

Monday, April 14, 2025 6:00 PM

Gering High School - Freshmen Academy Wing  
1500 U Street  
Gering, NE 69341



## Minutes

### 1. GPS Board of Education Information

**Present:** Brian Copsey, Matt Kautz, Josh Lacy, John Maser, Greg Trautman, Tracy Wiese.

### 2. Opening Procedures

#### 2.1. Call to Order

This meeting was called to order at 6:01 p.m. by board president, Greg Trautman.

#### 2.2. Roll Call

#### 2.3. Pledge of Allegiance

#### 2.4. Open Meetings Act

### 3. Consent Agenda

A motion to approve the Consent Agenda was presented by Josh Lacy, seconded by Tracy Wiese. After voting, motion Passed.

Brian Copsey: **Yea**, Matt Kautz: **Yea**, Josh Lacy: **Yea**, John Maser: **Yea**, Greg Trautman: **Yea**, Tracy Wiese: **Yea**

#### 3.1. Minutes from the previous month's board meeting(s)

#### 3.2. Approval of Claims/Bills

#### 3.3. Board Policy Adoption

##### 3.3.i. First Reading of Board Policies

##### 3.3.ii. Second Reading of Board Policies

#### 3.4. Personnel Items

##### 3.4.i. Certified Staff Contract(s)

Jennifer Green - GHS, Art Teacher

Neil Baker - GHS, Social Studies Teacher, Head Boys Basketball Coach

Chris Palomo - GHS, Science Teacher

Keisa Gardner - GMS, ELA Teacher

Kelly Tofflemire - Education Technology Specialist

Richard Evans - Director of Technology

Chelsea Smith - Geil Elementary, Kindergarten Teacher

Sheridan Widhelm - Occupational Therapist

Kelsey Sylvester - Northfield Elementary, Preschool Teacher

Kristen Skavdahl - GHS, LMHP

Alexandra Clear - Northfield Elementary, SPED Teacher

3.4.ii. Certified Staff Resignation(s)

Vanessa Hernandez - Lincoln Elementary, Preschool Teacher

#### 4. Celebration of Excellence

4.1. Building Report - Lincoln Elementary

Jesse Neugebauer presented to the board about Lincoln Elementary. He talked about their "Great" school rating and what their theme was for the year. Lincoln's theme is all about giving back to the community! They have done this through family engagements, community service, and many fundraisers. Then, several 5th grade students presented on what it means to them to give back in our community.

4.2. Student Success -

Speech State Medalists

HOSA State Medalists

DECA State Qualifiers and Medalist

Panhandle Middle School Honor Band

Gering FFA State Qualifiers

NFHS Speech Educator of the Year

Swimming State Qualifiers

Jennifer Sibal presented to the board all the awards and accomplishments our students have received over the last month.

#### 5. Reports & Discussions

5.1. Board Committee Report: Curriculum & Personnel

John Maser presented to the board. He talked about how almost all our open positions are filled and how our Middle School Improvement Committee are continuing to meet with Jack Baker. He gave an update on the school calendar and that some of the school start/end times are changing for next school year. He also discussed the new business curriculum.

5.2. Board Committee Report: Business & Facilities

Josh Lacy presented to the board. He talked about how we have only used 59% of the budget so far, we have had less expenses being able to do things in-house. He gave an auditorium update and said that all cameras are up and running. He discussed our new IT hire and how the construction house is going well. We currently have five vendors bidding on our food service. He also mentioned that our state aid is going to decrease by about \$500,000.

5.3. Superintendent's Report

20 ish days left of school—on the home stretch of a smooth, impactful year and we are finishing strong and what I love most about our board evenings is celebrating and highlighting all the phenomenal achievements of our students. Highlight the vision we casted in January 2024 with our 5 year strategic priorities: Academic Excellence, Modernizing infrastructure, Inspired Community Engagement, Investing in Staff and Operational Excellence. We are celebrating another year of a responsible, stable budget, we have demonstrated academic gains by achieving assessment milestones in all grades, we have invested in our staff with a record 4.6% salary increase, and have expanded our high quality learning environments with a new preschool facility at Northfield Elementary that was built under budget—we are experiencing enrollment growth. When a community invests in their future—we all win. For the 2025-26 school year, we are adding our 10th

preschool classroom. I may be redundant in highlighting the extraordinary leadership of our Board, our sheer passion to the vision of our district leaders, and our unwavering commitment of our teachers and staff everyday...it is a testament to making Gering Great. Making GPS the destination district. Second to parents, public education is the gateway to advancing our students, and the future of our community. So, thank you, for celebrating with us every day the incredible achievements. Together we are building a better tomorrow.

The GHS Musical is April 24-26 The Little Mermaid—tickets are available

YMCA Summer Camp -Camp Passport with the YMCA-it will be a summer of adventure-check out the travel itinerary on our website -tropical getaway, disney adventureland, hollywood week, carnival week.

## 6. Public Comments: 204.12

Kim Soule addressed the board.

Robert Rahmig addressed the board.

## 7. Action Items

7.1. Discuss, consider, and take action regarding a new business curriculum (7-year adoption), from Stukent, for the 2025-2032 school years in the amount of \$35,995.

A motion to approve a new business curriculum (7-year adoption), from Stukent, for the 2025-2032 school years in the amount of \$35,995 was presented by Tracy Wiese, seconded by Josh Lacy. After voting, motion Passed.

Brian Copsey: **Yea**, Matt Kautz: **Yea**, Josh Lacy: **Yea**, John Maser: **Yea**, Greg Trautman: **Yea**, Tracy Wiese: **Yea**

7.2. Discuss, consider, and take action regarding a new business curriculum (6-year adoption), from National Geographic Learning, for the 2025-2031 school years in the amount of \$20,670.

A motion to approve a new business curriculum (6-year adoption), from National Geographic Learning, for the 2025-2031 school years in the amount of \$20,670 was presented by Josh Lacy, seconded by John Maser. After voting, motion Passed.

Brian Copsey: **Yea**, Matt Kautz: **Yea**, Josh Lacy: **Yea**, John Maser: **Yea**, Greg Trautman: **Yea**, Tracy Wiese: **Yea**

## 8. Board Comments

Brian Copsey - Good to see a full house tonight for all our student recognitions. Excited about graduation!

Tracy Wiese - Good to hear the 5th graders from Lincoln present. Good to see HOSA members have increased over the years. We have been under budget the last two years.

Josh Lacy - Appreciates the public comments. Great to see a packed house!

John Maser - Love to see all the kids and it was good to celebrate so many. Thanks for the public comments.

Matt Kautz - Shout out to Mrs. Prokop for what she has done at the Middle School for Band. Glad for the public comments.

Greg Trautman - Full room was awesome to see. Lincoln did a great job presenting. Shout out to Mrs. Prokop on Band. Appreciates the public comments. Thankful for D'Angelo's leadership in maintenance. There are good things happening in Gering.

8.1. Tentative Upcoming Board Meeting/Event Dates

## 9. Adjourn

The meeting was adjourned at 7:19 p.m.

April Check Listing	
Payee Name	Amount
Team Chevrolet	\$500.00
Cash-Wa Distributing of Kearney, Inc	\$2,328.18
YMCA	\$67.00
Gering Public Schools	\$50,000.00
Quadient Finance USA, Inc.	\$1,000.00
City Of Gering	\$42,545.28
Ace Hardware	\$890.50
Allo Communications	\$5,550.14
B12 Creations	\$160.00
Bluffs Physical Therapy	\$6,392.03
Bytes Computer & Network Solutions	\$4,428.00
City of Gering: LANDFILL	\$79.72
Column Software, PBC	\$173.99
Commercial Lighting	\$580.49
Country Inn and Suites of Kearney	\$106.18
Crystal Miller	\$10.50
Deanna Ysac	\$44.10
Dennis Supply Company	\$220.73
Domino'S Pizza	\$120.40
Eakes Office Solutions	\$1,882.46
ESU Coordinating Council	\$8,317.25
ESU13	\$60,281.05
FBG Service Corporation	\$446.00
Ferguson Signs, Inc.	\$3,370.00
First Student, Inc.	\$71,708.56
Floyd's Sales & Service, Inc.	\$514.70
Fresh Foods Inc.	\$16.00
Hometown Leasing	\$5,007.17
Johnson Cashway _8920	\$27.92
KSB School Law	\$1,541.00
Legacy Cooperative	\$78.00
Linweld	\$223.36
Logoz Llc	\$275.00
Madison Keller	\$12.60
Moravek, Michael	\$102.70
Nebraska Tire, Inc.	\$84.99
Northwest Pipe Fittings, Inc.	\$319.29
O'Reilly Auto Parts - Store 6878	\$662.50
Panhandle Automotive Group, LLC	\$100.13

Paul Reed Construction	\$10.50
Pearson	\$475.30
Perry, Guthery, Haase & Gessford, P.C.,	\$489.60
Rebecca Chavez	\$13.30
Sandberg Implement, Inc.	\$85.33
SB Couny Pub Tran/Tri-City Road	\$36.00
Scholastic	\$343.75
School Health Corporation	\$35.93
Snell Services, Inc.	\$223.50
Solution Tree	\$7,690.00
Tidal Wave Auto Spa	\$80.00
Twin City Roofing & Sheet Metal, Inc.	\$1,799.90
UNL	\$845.00
Van Pelt Fencing	\$733.82
Vanessa Hernandez	\$38.99
Wpci	\$976.00
Computer Information Concepts, Inc.	\$35,255.00
Charter Communications	\$135.00
Das State Accounting - Central Finance	\$292.87
Domino'S Pizza	\$188.24
Hi Performance Car Wash	\$3.50
Menards	\$1,463.93
Solution Tree	\$3,845.00
Menards	\$357.31
Jamie Selzer	\$664.20
Western Ne Community College	\$5,955.96
Visa	\$7,120.41
Ace Hardware	\$282.76
Bytes Computer & Network Solutions	\$4,386.00
Cardio Partners Inc	\$198.98
City of Gering: LANDFILL	\$40.64
Comfort Inn - Kearney	\$621.20
Contractors Materials	\$61.20
Crossroads Music	\$495.00
Culligan Of Scottsbluff	\$151.50
Dennis Supply Company	\$375.71
Docu-Shred	\$56.00
Domino'S Pizza	\$158.16
Eakes Office Solutions	\$9,183.06
Edgerton Explorit Center	\$850.00
Emily Rose	\$92.54

First Student, Inc.	\$76,295.01
Follett Content Solutions LLC	\$741.52
Frank Parts Company	\$3.40
Fresh Foods Inc.	\$196.19
Intralinks, Inc.	\$31,750.05
Johnson Cashway _8920	\$249.71
Lamar Companies	\$1,192.00
Legacy Cooperative	\$18.00
Linweld	\$216.04
Menards	\$643.59
NMC, LLC	\$5,041.51
O'Reilly Auto Parts	\$238.35
Panhandle Geotechnical & Environmental	\$1,077.00
Paul Reed Construction	\$3,506.16
Redbird Flight Simulations Inc.	\$1,027.13
School Health Corporation	\$39.59
Scottsbluff Public Schools	\$18,613.74
Simon	\$949.42
Snell Services, Inc.	\$726.00
The Brilliance Project Inc	\$6,000.00
Thompson Glass, Inc.	\$470.00
Tru by Hilton	\$507.00
Wal-Mart _18940	\$1,470.14
Wilson, Ashlee	\$143.15
Regional Care, Inc.	\$269.50
Ace Hardware	\$177.68
Airborne Athletics, Inc	\$3,247.50
City Of Gering	\$2,030.00
DECA Inc.	\$1,350.00
Enrico C. Gonzlaes	\$1,453.00
Fairfield Inn & Suites - Grand Island	\$2,111.40
Fairfield Inn & Suites by Marriott	\$189.00
Fresh Foods Inc.	\$152.28
Gering Bakery-Ahlers Baking Inc.	\$822.00
Holiday Inn Express - Lincoln Downtown	\$298.00
Logoz Llc	\$160.00
Menards	\$33.46
Nebraska DECA	\$4,071.40
Regan Hinton	\$100.00
Scholastic Book Fairs	\$798.84
Sidney High School	\$589.79

Upper Niobrara White NRD	\$50.00
Deca	\$875.00
Kontogiannis, Stan	\$560.00
YMCA	\$1,588.00
Group Travel Planners, Inc.	\$13,647.00
Farmer & Son BBQ	\$825.00
Johnson, Ruth	\$75.00
Kontogiannis, Stan	\$75.00
Martin Linz	\$480.00
Martin Linz	\$90.00
Barge, Cody	\$330.00
Johnson, Ruth	\$150.00
Martin Linz	\$0.00
Johnson, Ruth	\$150.00
Dominic Daniel Marostica	\$100.00
Gering Wrestling Club	\$2,763.60
Scottsbluff High School _15901	\$934.20
B&C Steel Corporation	\$186.00
Domino'S Pizza	\$153.78
Gering Wrestling Club	\$263.55
Legacy Cooperative	\$120.00
Pepsi Cola Of Western Nebraska	\$178.95
Weborg 21 Centre	\$1,100.00
Ace Hardware	\$168.27
AllTeam Sportswear	\$1,447.00
Burns High School	\$150.00
Cash-Wa Distributing of Kearney, Inc	\$1,025.30
Cobblestone Hotel & Suites - Mccook	\$606.00
Domino'S Pizza	\$264.45
Embassy Suites Lincoln	\$4,881.00
Fairfield Inn & Suites by Marriott	\$1,730.04
Fresh Foods Inc.	\$53.75
Legacy Cooperative	\$27.00
Lexington High School	\$85.00
Logoz Llc	\$1,122.00
Monument Shadows Golf Course	\$5,217.49
Morrill High School	\$60.00
North Platte High School	\$100.00
Pepsi Cola Of Western Nebraska	\$1,112.95
Sidney High School	\$150.00
Barge, Cody	\$90.00

Johnson, Ruth	\$75.00
Kontogiannis, Stan	\$75.00
Martin Linz	\$360.00
Barge, Cody	\$390.00
Johnson, Ruth	\$90.00
Kontogiannis, Stan	\$600.00
Johnson, Ruth	\$600.00
Barge, Cody	\$860.00
Johnson, Ruth	\$260.00
Kontogiannis, Stan	\$130.00
Audrey Worthing	\$210.00
Linsey Smith	\$180.00
Menards	\$70.01
Scottsbluff Screenprinting,	\$509.00
Barge, Cody	\$390.00
Visa	\$8,763.87
Cash-Wa Distributing of Kearney, Inc	\$6,597.41
Computer Information Concepts, Inc.	\$3,952.00
Dennis Supply Company	\$1.45
Karee Klassen	\$33.60
Main Street Appliance	\$850.00
Simply Clean	\$1,346.13
Menards	\$43.44
Menards	\$76.24
Visa	\$482.74

**POLICY 205.2**  
**GERING PUBLIC SCHOOLS**  
**GERING, NE**

POLICY ADOPTION

The board shall give notice of proposed policy changes or adoption of new policies by placing the item on the agenda of two regular board meetings. The proposed policy changes shall be distributed and public comment will be allowed at each meeting prior to final board action. This notice procedure shall be required except for emergency situations. If the board adopts a policy in an emergency situation, a statement regarding the emergency and the need for immediate adoption of the policy shall be included in the minutes. The board shall have complete discretion to determine what constitutes an emergency situation.

The final action taken to adopt the proposed policy shall be approved by a simple majority vote of the board at the next regular meeting after the meeting allowing public discussion. The policy will be effective on the later of the date of passage or the date stated in the motion.

In the case of an emergency, a new or changed policy may be adopted by a majority vote of a quorum of the board. The emergency policy shall expire at the close of the third regular meeting following the emergency action, unless the policy adoption procedure stated above is followed and the policy is reaffirmed.

Legal Reference:           Neb. Statute 79-520 (Class III)  
                                  79-521 (Class IV)  
                                  79-522 (Class V)  
                                  79-523 (Class VI)  
                                  79-526  
                                  84-712 et seq.  
                                  NDE Rule 10.004.01A1

Cross Reference:           201.1 Board Powers and Responsibilities

# Memo

**To:** Nicole Regan  
**From:** Mario Chavez  
**cc:** Lindsay McCay  
**Date:** 3/28/25  
**Re:** Early Graduation Request

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I have received a request from Grayson Hawley, a 2026 graduation cohort senior for early graduation from Gering High School.

I believe that all requirements set forth by Gering Public School Board of Education Policy 611.08 – Early Graduation have been and/or will be satisfied. Grayson has the ability to meet all graduation requirements by the end of the 1<sup>st</sup> semester of the 2025-2026 school year. Grayson has a plan post-graduation and will pursue his Power Lineman certification from Western Nebraska Community College in the Spring of 2026.

Please review the attached letter of support from Grayson and his mother, Holly.

I recommend that Grayson be allowed to pursue his plan to complete his high school course requirements and graduate from Gering High School after the 1<sup>st</sup> semester of the 2025-2026 school year.

March 24, 2025

School Board Members  
Gering Public School  
1519 10<sup>th</sup> Street  
Gering, NE 69341

Subject: Request for Early Graduation

Dear Gering Public School Board Members,

I am writing this letter to formally request an early graduation from Gering High School. At the end of December 2025, I will have completed all the necessary coursework and credit requirements set by the school district.

I firmly believe that early graduation is the best path for my success and well-being. I have worked diligently to meet graduation requirements despite struggling with focus, comprehension, critical thinking and confidence. I have demonstrated resilience and determination in completing my coursework and early graduation would allow me to transition into a more suitable environment where I can thrive.

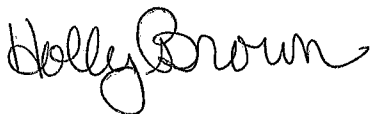
I have struggled in school my whole life. Asking me to fill my schedule with electives when I could be working towards my certificate from the powerline school at WNCC would put my mental health in jeopardy. Remaining in school for the extra semester, would not be in my best interest, as it could lead to increased stress and discouragement. However, by graduating early, I will have the opportunity to enroll in the powerline program and get a jumpstart to my career. This transition would provide me with a more hands-on and supportive approach to learning that aligns with my strengths and goals.

Thank you for your time and consideration. I appreciate your commitment to supporting all students and ensuring their success.

Sincerely,



Grayson Hawley



**POLICY 204.12**  
**GERING PUBLIC SCHOOLS**  
**GERING, NE**

**PUBLIC PARTICIPATION IN BOARD MEETINGS**

The board recognizes the importance of citizen participation in school district matters. In order to assure citizens are heard and board meetings are conducted efficiently and in an organized manner, the board shall set time aside for citizen participation, either at a specific time during the meeting or during the discussion of agenda items. The board has the discretion to limit the amount of time set aside for public participation.

Instructions for members of the public who wish to speak:

- Getting started: When you have been recognized, please stand and state your name.
- Time Limit: Tonight the board will allow a total of 30 minutes for the presentation of ALL public comments. Individuals may speak only one time, and must limit comments to around 5 minutes. If there are more than 6 individuals who wish to address the board, the 30 minutes will be divided equally between the number of speakers. These time limits may be changed by a majority vote of the board members in attendance to extend the time for a specific item or speaker. You may only speak ONCE.
- Personnel or Student Topic: If you are planning to speak about a personnel or student matter involving an individual, please understand that our policies may require you to follow the district's complaint procedure before addressing the board. Board members will generally not respond to any questions you ask or comments you make about individual staff members or students. Please remember that slanderous comments will not be tolerated.
- General Rules: This is a public meeting for the conduct of business. Comments from within the audience while others are speaking will not be tolerated. Lewd, obscene, profane, slanderous, threatening and hostile conduct or statements and fighting words (words whose mere utterance entails a call to violence) will not be tolerated.
- No action by the Board: The board will not act on any matter which is not on the agenda and will not take action upon the conclusion of public comment.

If the pressure of business or other circumstances dictate, the board president may decide to eliminate this practice at a particular meeting. The board president will recognize these individuals to make their comments at the appropriate time. The orderly process of the board meeting shall not be interfered with or disrupted. Only those speakers recognized by the board president shall be allowed to speak. Comments by others are out of order. If disruptive, the individual making the comments or another individual causing disruption may be asked to leave the board meeting.

Citizens wishing to address the board on a certain agenda item must notify the superintendent prior to the board meeting. Citizens wishing to present petitions to the board may do so at this time. However, the board will only receive the petitions and not act upon them or their contents.

Subjects for comment should involve areas within the board's proper responsibility. Discussion on unrelated matters is to be discouraged.

Individuals who have a complaint about employees may bring their complaint to the board only after they have followed board policy addressing citizens' complaints. Students who have a complaint may only bring their complaint to the board after they have followed board policy addressing students' complaints.

Any written or printed materials to be circulated for a meeting of the school board must be submitted to the superintendent by the Wednesday preceding a Monday night meeting.

This material will be transmitted to the members of the board for their consideration.

Legal Reference: Nebraska Statute 84-1408 to 1414

Cross Reference: 201.7 School Board Liability  
204.3 Public Hearings  
204.10 Agenda  
403.5 Public Complaints about Employees

**Approved** 01/20/2003

**Reviewed** 02/23/2015, 10/14/2021 6/9/22

**Revised** 09/14/2009, 7/20/22

**RESOLUTION OF THE BOARD OF EDUCATION TO SELECT THE  
CONSTRUCTION MANAGER AT RISK CONTRACT DELIVERY SYSTEM**

WHEREAS, the Board of Education ("Board") for **Scotts Bluff County School District 79-0016**, commonly known as **Gering Public Schools** (the "School District") believes it is in the School District's best interest to use the construction manager at risk contract delivery system under the *Nebraska Political Subdivisions Construction Alternatives Act*, NEB. REV. STAT. §§ 13-2901 to 13-2914 (the "Act") to complete a School Facilities Improvement Project, that is likely to include but not necessarily limited to a combination of renovation, remodeling, addition, and/or new construction likely resulting in, but not necessarily limited to, a middle school, a track facility, new or updated classrooms, commons space, career and technical education facilities, food service, athletic facilities, performing arts, administrative offices, supporting facilities, and/or related infrastructure and improvements (the "Project"); and

WHEREAS, the Board previously adopted Policy 902.3 on "Construction Management at Risk Contracts."

NOW, BE IT THEREFORE RESOLVED that the Board assigns the following percentage of total points for evaluation of proposals:

<b>Criteria</b>	<b>Weight</b>
Financial resources of the construction manager to complete the project (maximum of 10%)	___%
Ability of the proposed personnel of the construction manager to perform (maximum of 30%)	___%
Character, integrity, reputation, judgment, experience, and efficiency of the construction manager (maximum of 30%)	___%
Quality of performance on previous projects (maximum of 30%)	___%
Ability of the construction manager to perform within the time specified (maximum of 30%)	___%
Previous and existing compliance of the construction manager with laws relating to the contract (maximum of 10%)	___%
Such other information as may be secured having a bearing on the selection (maximum of 20%)	___%
<b>Total</b> (must equal 100%)	<b>100%</b>

BE IT FURTHER RESOLVED that the Board hereby selects the construction manager at risk contract delivery system to complete the Project.

BE IT FURTHER RESOLVED that the Board directs the School District's administration to prepare a request for proposals and publish notice of the same in a newspaper of general circulation within the School District and file it with the Nebraska Department of Education.

BE IT FURTHER RESOLVED that the Board hereby authorizes, empowers, and directs the School District's administration to take all actions necessary to comply with the terms of the Act in proceeding with the construction manager at risk contract delivery system.

BE IT FURTHER RESOLVED that the following individuals are designated as members of the Construction Manager at Risk Selection Committee:

(1) Member(s) of the school board: \_\_\_\_\_.

(2) Member(s) of the school administration or staff: \_\_\_\_\_.

(3) The school's architect or engineer: \_\_\_\_\_.

(4) Individual(s) having special expertise relevant to selection of a construction manager under the Act: \_\_\_\_\_.

(5) A resident of the school district other than an individual included in subdivisions (1) through (4): \_\_\_\_\_.

BE IT FURTHER RESOLVED that all proposals received in response to the request for proposals are hereby referred to the Construction Manager at Risk Selection Committee.

Dated: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
President of the Board of Education

ATTEST:

\_\_\_\_\_  
Secretary of the Board of Education

**POLICY 902.3**  
**GERING PUBLIC SCHOOLS**  
**GERING, NE**

**CONSTRUCTION MANAGEMENT AT RISK CONTRACTS**

This policy is adopted pursuant to the Political Subdivisions Construction Alternatives Act (NEB. REV. STAT. § 13-2901 through § 13-2914).

The board shall adopt a resolution by a two-thirds affirmative vote selecting the construction management at risk contract delivery system prior to proceeding with any of the steps involved with solicitation or execution of any construction contract. For a project authorized under subsection (3) of section 13-2914, the resolution shall include a statement that the political subdivision has made a determination that the construction management at risk contract delivery system is in the public interest based, at a minimum, on one of the following criteria: (a) Savings in cost or time or (b) requirement of specialized or complex construction methods suitable for the construction management at risk contract delivery system.

**Definitions.** For purposes of this policy:

1. Construction management at risk contract means a contract by which a construction manager (a) assumes the legal responsibility to deliver a construction project within a contracted price to the school district, (b) acts as a construction consultant to the school district during the design development phase of the project when the school district's architect or engineer designs the project, and (c) is the builder during the construction phase of the project;
2. Construction manager means the legal entity which proposes to enter into a construction management at risk contract pursuant to the Act;
3. Proposal means an offer in response to a request for proposals by a construction manager to enter into a construction management at risk contract for a project pursuant to the act;
4. Request for proposals means the documentation by which a school district solicits proposals; and
5. School district means Gering Public Schools.

**Procedures.**

1. Procedures for the preparation and content of requests for proposals shall include the following:
  - A. At least thirty days prior to the deadline for receiving and opening proposals, notice of the request for proposals shall be published in a newspaper of general circulation within the school district and filed with the State Department of Education. The request for proposals shall contain, at a minimum, the following elements:

1. The identity of the school district for which the project will be built and the school district that will execute the contract;
  2. Policies adopted by the school district pursuant to the Act;
  3. The proposed terms and conditions of the contract, including any terms and conditions which are subject to further negotiation. The proposed general terms and conditions shall be consistent with nationally recognized model general terms and conditions which are standard in the design and construction industry in Nebraska. The proposed terms and conditions may set forth an initial determination of the manner by which the construction manager selects any subcontractor and may require that any work subcontracted be awarded by competitive bidding;
  4. Any bonds and insurance required by law or as may be additionally required by the school district;
  5. General information about the project which will assist the school district in its selection of the construction manager, including a project statement which contains information about the scope and nature of the project, the project site, the schedule, and the estimated budget;
  6. The criteria for evaluation of proposals and the relative weight of each criterion; and
  7. A description of any other information which the school district chooses to require.
2. Procedures for the preparation and submission of proposals by the construction manager shall be determined on a project-by-project basis and included within the requests for proposals.
  3. Procedures for evaluating requests for proposals submitted to the school district by a construction manager shall include the following:
    - A. The school district shall refer the proposals for recommendation to a selection committee. The selection committee shall be a group of at least five persons designated by the school district. Members of the selection committee shall include (1) members of the school board, (2) members of the school administration or staff, (3) the school's architect or engineer (4) any person having special expertise relevant to selection of a construction manager under the Act, and (5) a resident of the school district other than an individual included in subdivisions (1) through (4) of this subsection. A member of the selection committee designated under subdivision (4) or (5) of this subsection shall not be employed by or have a financial

or other interest in a construction manager who has a proposal being evaluated and shall not be employed by the school district or the school's architect or engineer.

- B. The selection committee and the school district shall evaluate proposals taking into consideration the criteria enumerated in subdivisions (1) through (7) of this subsection with the maximum percentage up to 100% of total points for evaluation which may be assigned to each criterion set forth following the criterion. The following criteria shall be evaluated, when applicable:
- (1) The financial resources of the construction manager to complete the project;
  - (2) The ability of the proposed personnel of the construction manager to perform;
  - (3) The character, integrity, reputation, judgment, experience, and efficiency of the construction manager;
  - (4) The quality of performance on previous projects;
  - (5) The ability of the construction manager to perform within the time specified;
  - (6) The previous and existing compliance of the construction manager with laws relating to the contract; and
  - (7) Such other information may be secured having a bearing on the selection.

The records of the selection committee in evaluating proposals and making recommendations shall be considered public records for purposes of NEB. REV. STAT. § 84-712.01.

- C. The school district shall then evaluate and rank each proposal on the basis of best meeting the criteria in the request for proposals and taking into consideration the recommendation of the selection committee.
4. Procedures for negotiations between the school district and the construction managers submitting proposals prior to the acceptance of a proposal if any such negotiations are contemplated shall include the following:
- A. The school district may attempt to negotiate a construction management at risk contract with the highest ranked construction manager and may enter into a construction management at risk contract after negotiations.
  - B. The negotiations shall include a final determination of the manner by which the construction manager selects a subcontractor.

- C. If the school district is unable to negotiate a satisfactory contract with the highest ranked construction manager, the school district may terminate negotiations with that construction manager. The school district may then undertake negotiations with the second highest ranked construction manager and may enter into a construction management at risk contract after negotiations.
  - D. If the school district is unable to negotiate a satisfactory contract with the second highest ranked construction manager, the school district may undertake negotiations with the third highest ranked construction manager, if any, and may enter into a construction management at risk contract after negotiations.
  - E. If the school district is unable to negotiate a satisfactory contract with any of the ranked construction managers, the school district may either revise the request for proposals and solicit new proposals or cancel the construction management at risk process under the act.
  - F. If the school district is able to negotiate a satisfactory contract with a construction manager, the school district shall file a copy of all construction management at risk contract documents with the State Department of Education within thirty days after their full execution. Within thirty days after completion of the project, the construction manager shall file a copy of all contract modifications and change orders with the State Department of Education.
5. Procedures for filing and acting on formal protests relating to the solicitation or execution of construction management at risk contracts shall include the following:
- A. Definitions.
    - (1) Interested party shall mean an actual or prospective bidder whose direct economic interest would be affected by the award of a contract by the school district to another party or by the failure of the school district to award a contract to such actual or prospective bidder.
    - (2) Protest shall mean a written objection by an interested party on any phase of the bidding process, including specification, preparation, bid solicitation, and intent to award.
  - B. Right to Protest. An interested party may protest to the Superintendent. The protest shall be submitted in writing on company letterhead within five working days after public notice of the bid. Protests based on alleged apparent improprieties in a solicitation or other request for proposals must be filed before bid opening or the closing date for receipt of proposals. In all other cases, the protest must be filed within five working days following the selection of the construction manager. To expedite handling of protests, the envelope containing the protest should be clearly labeled "Protest". The written protest shall include as a minimum the following:
    - (1) The name and address of the interested party;

- (2) Appropriate identification of the relevant solicitation, and if a bid has been opened, its number, and date of opening;
- (3) A detailed statement of reasons for the protest;
- (4) Supporting, exhibits, evidence, or documents to substantiate any claims unless not available within the filing time, in which case the expected availability date shall be indicated; and a list of all persons who have knowledge of facts relevant to the protest; and
- (5) The action(s) the protestor desires the school district to take to resolve the protest.

The Superintendent will immediately decide upon receipt of the protest whether or not the award of a contract shall be delayed, or if the protest is timely received after the award, whether the performance of the contract should be suspended. The school district shall not proceed further with the solicitation or with the award of the contract and shall suspend performance under the contract, if awarded, unless the Superintendent makes a written determination that the protest is clearly without merit or that award of the contract without delay is necessary to protect the substantial interests of the school district.

C. Authority to Resolve Protests. Prior to the commencement of an administrative review by the Board concerning any protest, the Superintendent shall attempt to resolve any protest filed by an interested party concerning any solicitation. If the protest is not resolved by mutual agreement, the Superintendent shall create and deliver a Decision to the protestor within a reasonable time after the written protest was received. The Decision shall include a written summary of the Superintendent's investigation and a recommendation regarding the outcome of the protest. The Decision shall (1) state the reasons for the action taken, and (2) inform the interested party of their right to the administrative review by the Board. A copy of the Decision shall be mailed or otherwise furnished immediately to the interested party and any other party intervening protestor and all other bidders. If not satisfied with the decision of the Superintendent, any interested party protestor may appeal to the Board, but the decision shall be final unless the interested party protestor files a timely appeal with the Board.

D. Board Appeal Procedures. Any interested party protestor, within five working days of receipt of a decision of the Superintendent, may file with the Superintendent a written notice of appeal for an administrative review before the Board. The Notice of Appeal must clearly state the action protested and the basis of appeal. The Board will conduct an administrative review at its next regularly scheduled meeting or at a special meeting. The school district board of education shall consider the

Decision of the Superintendent and shall make the final decision on the protest. The school district board of education's decision shall be final.

- 6. A construction management at risk contract may be conditioned upon later refinements in scope and price and may permit the school district in agreement with the construction manager to make changes in the project without invalidating the contract. Later refinements shall not exceed the scope of the project statement contained in the request for proposals.

**Prohibitions.** The school district shall not use a construction management at risk contract for any construction project excluded by NEB. REV. STAT. § 13-2914 or any other applicable law.

Adopted on: 9/9/24      Revised on: \_\_\_\_\_ Reviewed on: \_\_\_\_\_