



RESOLUTION NO. 2023-18

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
HELENDALE COMMUNITY SERVICES DISTRICT
APPROVING AWARD OF A SOLE SOURCE CONTRACT
TO OAK HILLS ROOFING / AMS CONSTRUCTION / AMS CONSTRUCTION FOR ROOF REPAIR
PROJECT**

WHEREAS, the Helendale Community Services District (“District”) is a Community Services District organized and operating pursuant to California Government Code Section 61000 et seq.;

WHEREAS, the District is subject to Public Contracts Code Section 20682.5(b), which provides that “[a]ll contracts for the construction of completion of any building, structure, or improvement, when the cost exceeds \$25,000 shall be contracted for and let to the lowest responsible bidder after notice”;

WHEREAS, it is well-settled that exceptions to the competitive bidding requirement exist in the event that the specific facts and circumstances surrounding the particular work is such that the services sought for the proposed project are unique to a single contractor and the public agency must use such specialized services for efficient and effective completion thereof [see, e.g., Hiller v. City of Los Angeles (1962) 197 Cal. App. 2d 685, 17 Cal. Rptr. 579], or that engaging in the process would be undesirable or impracticable as a matter of public interest because a delay would result that would operate to undermine the public benefits to be gained by the proposed project [see, e.g., Graydon v. Pasadena Redevelopment Agency (1980) 104 Cal. App. 3d 631, 164 Cal. Rptr. 56];

WHEREAS, on September 5, 2019, the District’s Board of Directors (“Board”) adopted a revised Purchasing Policies and Procedures for the District (“the Purchasing Policy”) which created bidding and contract procedures as part of the District’s Rules and Regulations so as to provide guidance and direction to the District’s staff in obtaining outside services for projects initiated by the District;

WHEREAS, Section 6(E)(3) of the Purchasing Policy provides that the District must comply with certain formal and informal competitive bidding requirements with respect to contracts for the construction of any building, structure, or improvement when the cost exceeds \$15,000 but does not exceed \$25,000;

WHEREAS, pursuant to legally-recognized exceptions to competitive bidding requirements, Section 7(A)(4) of the Purchasing Policy provides that the District may procure services on a negotiated basis “when competitive bidding would fail to produce an advantage and/or when the advertisement for Competitive Bidding would be undesirable, impractical, or impossible”;

WHEREAS, Section 7(A)(5) of the Purchasing Policy also provides that the District may procure services on a negotiated basis “when the Board of Directors has determined that time is of the essence”;

WHEREAS, pursuant to legally recognized exceptions to competitive bidding requirements, Section 7(A)(3) of the Purchasing Policy further provides that the District may procure services on a negotiated basis for any project in which a “Sole Source Contractor” has been designated;

WHEREAS, for purposes of Section 7(A)(3) of the Purchasing Policy, the term “Sole Source Contractor” is defined in Section 2(O) thereof as “a contractor or consultant that has been evaluated to provide unique or specialized Services or Supplies that cannot be obtained from other contractors or consultants,” which designation must be approved by the Board;

WHEREAS, the facts, circumstances, and challenges surrounding the proposed repair of the roof on a building structure located on the District's property ("the Project"), as described in the staff report attached hereto and incorporated herein ("the Staff Report"), supports a determination by the District's Board of Directors that imposing a formal competitive bidding requirement for the construction of the proposed Project would be undesirable or impracticable because the process could not be timely completed given all the intervening factors outlined in the staff report, specifically the public health and safety risks, and financial liabilities and penalties, that could occur if the Project is not finished in accordance with the corrective measures required in the Notice of Violation issued by the Code Enforcement Division of the Land Use Services Department of the County of San Bernardino on or about May 19, 2023 ("the NOV"); and

WHEREAS, as further described in the Staff Report, Oak Hills Roofing / AMS Construction possesses unique background, skill, and knowledge to properly perform the Project in a timely manner to satisfy the terms and conditions of the NOV.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Helendale Community Services District that, based upon the unique facts and circumstances described in the Staff Report and other evidence presented to the Board, the Board hereby finds and determines that expedited construction of the Project is exempt from any otherwise-applicable formal competitive bidding requirement pursuant to Sections 7(A)(4) and (5) of the Purchasing Policy because compliance therewith would be undesirable and impracticable as a matter of public interest since engaging in the process would cause a delay that could result in the Project not achieving satisfactory completion in accordance with the NOV.

BE IT FURTHER RESOLVED that the Board hereby finds and determines that OAK HILLS ROOFING / AMS CONSTRUCTION be designated as a Sole Source Contractor for the Project pursuant to Section 7(A)(3) of the Purchasing Policy. The Board reserves the right to withdraw this designation in its entirety, or to suspend this designation on a project-by-project basis, in the exercise of its sole discretion.

BE IT FURTHER RESOLVED that the Board hereby approves construction of the Project, and authorizes the award of a contract for the construction thereof to OAK HILLS ROOFING / AMS CONSTRUCTION for a price not to exceed \$320,601.00 based upon the recommendations of the District's General Manager in the Staff Report, as well as the oral and written statements presented to, and considered by, the District's Board of Directors prior to adoption of this Resolution.

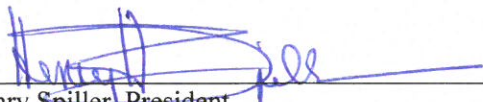
ADOPTED this 15th day of June, 2023.

AYES: 4

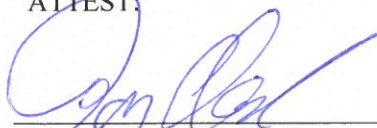
NOES: 0

ABSTAIN: 0

ABSENT: 1


Henry Spiller, President

ATTEST:


Ron Clark, Vice President