



fresno county board of education

Trustee Area 1
Kimberly Tapscott-Munson

Trustee Area 2
Bryan Burton

Trustee Area 3
James Martinez

Trustee Area 4
Dr. Marcy Masumoto

Trustee Area 5
Dr. Allen Clyde

BEFORE THE FRESNO COUNTY BOARD OF EDUCATION FRESNO COUNTY, CALIFORNIA

In the Matter Regarding Authorizing
CUPCAA Contract Over \$200,000 for Scout
Island Outdoor Education Center Ropes
Course Project No. C2023-33

RESOLUTION NO. 2023 - 22

WHEREAS, Public Contract Code Section 22000 et seq., the Uniform Public Construction Cost Accounting Act, establishes such a uniform cost accounting standard; and
WHEREAS, the Fresno County Board of Education elected under Public Contract Code Section 22030 to become subject to the uniform public construction cost accounting procedures set forth in the Act and to the Commission's policies and procedures manual and cost accounting review procedures, as they may each from time to time be amended; and

WHEREAS, the Fresno County Board of Education delegated authority to the Fresno County Superintendent of Schools to award contracts eligible for informal bidding procedures currently set at \$200,000 pursuant to Superintendent and Board Policy 3311.1; and

WHEREAS, the Fresno County Superintendent of Schools established a baseline estimate below \$200,000 in conjunction with the following project: Scout Island Outdoor Education Center Ropes Course Project No. C2023-33 ("Project"), which is essential for the long-term stability of the Ropes Course; and

WHEREAS, the Fresno County Superintendent of Schools solicited bids for the Project under the informal bidding procedure set forth under Public Contract Code Section 22034; and

WHEREAS, on the bid submission date of March 1, 2023, no bids were received; and

WHEREAS, Public Contract Code Section 22038(c) allows a project where no bids are received to be performed by negotiated contract.

WHEREAS, The Fresno County Superintendent of Schools negotiated with two qualified contractors interested in the Project and the lowest negotiated base Project cost is \$210,088 proposed by Signature Research, Inc. The Fresno County Superintendent of Schools is unaware of any other contractors qualified to perform the work; and

WHEREAS, Section 22034(d) stipulates; If all bids received are in excess of two hundred thousand dollars (\$200,000), the governing body of the public agency may, by adoption of a resolution by four-fifths vote, award the contract, at two hundred twelve thousand five hundred dollars (\$212,500) or less, to the lowest responsible bidder, if it determines the cost estimate of the public agency was reasonable; and

WHEREAS, this negotiated amount assumes existing cable anchors meet the structural design requirements and does not include work to replace existing cable anchors, which if found during construction do not meet the structural design requirements would result in additional costs of up to \$50,000; and

WHEREAS, California courts allow a narrow exception to the public bidding law in circumstances in which public bidding would be futile, undesirable or impractical and would cause additional delay and additional cost (Graydon v. Pasadena Redevelopment Agency (1980) 104 Cal.App.3d 631, 645). Staff believes that rebidding the Project while the job was underway and awarding it to an entity other than the contractor would have created massive disruption and would increase the price for the additional work.

NOW, THEREFORE, BE IT RESOLVED that the Fresno County Board of Education determines the original estimate prepared by Fresno County Superintendent of Schools staff for the Project was reasonable; and

BE IT FURTHER RESOLVED, ORDERED AND DECLARED that the Fresno County Board of Education finds that public bidding of the replacement of any cable anchors or other necessary change orders to the contract would be futile and cause delay to the Project; and

BE IT FURTHER RESOLVED, ORDERED AND DECLARED that the Fresno County Board of Education awards the Scout Island Outdoor Education Center Ropes Course Project No. C2023-33 to Signature Research, Inc., and authorizes the Superintendent of Schools to execute the contract for construction services, including a \$50,000 contingency; to enter into any amendments thereto; and to take any and all actions necessary or proper to implement the contract.

This Resolution is adopted by the Fresno County Board of Education at its meeting of May 18, 2023 by the following votes:


President Bryan Burton:	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>
Vice President James Martinez:	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>
Member Allen Clyde:	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>
Member Marcy Masumoto:	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>
Member Kimberly Tapscott-Munson:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Abstain	<input type="checkbox"/>	Absent	<input checked="" type="checkbox"/>



 Bryan Burton, President

CERTIFICATION

I am the Ex-Officio Secretary and Executive Officer of the Fresno County Board of Education and hereby certify that the foregoing resolution is the full, true, and correct resolution duly passed and adopted by the Fresno County Board of Education on the date stated above.

By: 

 Dr. Michele Cantwell-Copher
 Fresno County Superintendent of Schools
 Ex-Officio Secretary and Executive Officer of the
 Fresno County Board of Education

Date: 5/18/23