

**RESOLUTION 24-03 OF THE BOARD OF TRUSTEES OF
VICTOR VALLEY COLLEGE
AUTHORIZING THE ACCEPTANCE OF PROPOSAL WITH
COOLEY CONSTRUCTION, INC.**

WHEREAS, the Victor Valley College ("College") issued a Request for Proposals (RFP) for a project commonly described as the Stadium and Educational Event Center F-810 ("Project");

WHEREAS, the College awarded a contract for the Project ("Contract") to Bernard Bros Inc.; the scope of the Contract was for the necessary labor, materials, tools, equipment, utilities, services and transportation to complete in a workmanlike manner all of the work required in connection with the Project;

WHEREAS, subsequent to award of the Contract, the College has determined that additional work is necessary to support completion of the Project;

WHEREAS, the additional scope of work requires, among other things, (i) correcting elevations on the road adjacent to the Project; and (ii) related work to a parking lot and access road (collectively, "Work");

WHEREAS, the College has determined that the Work is outside of the initial scope of the Project;

WHEREAS, Public Contract Code Sections 20161 *et seq.* and 20651 *et seq.* require that public works and other projects be competitively bid;

WHEREAS, the College believes that advertising the solicitation for the Work would cause delay to the overall completion of the Project;

WHEREAS, the College would realize little-to-no benefit from the competitive selection process and any benefit realized from additional competitive bidding would be outweighed by the College's need to timely complete this Work and the Project;

WHEREAS, courts have found that public agencies may forego competitive bidding if competitive bidding would be futile, unavailing, undesirable, impractical, impossible, or would cause additional delay or costs, as found in the cases of *Los Angeles Dredging v. City of Long Beach* (1930) 210 Cal. 348 and *Meakin v. Steveland* (1977) 68 Cal.App.3d 490;

WHEREAS, the College has obtained a competitive proposal from Cooley Construction Inc., for the completion of the Work ("Proposal"). A true and correct copy of the Proposal is attached hereto as **Exhibit "A;"**

WHEREAS, Cooley Construction, Inc. is in the best position to provide the labor and materials required for the Work at the best value to the College; and

WHEREAS, Cooley Construction, Inc. is ready, willing, and able to perform the Work as set forth in the attached Proposal;

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NOW, THEREFORE, BE IT RESOLVED, that the recitals above are true and correct and are hereby incorporated by this reference.

RESOLVED FURTHER, that the competitive solicitation process for the Work would be undesirable, impractical, cause additional delay and not produce an advantage for the College.

RESOLVED FURTHER, that the Board approves the completion of the Work by Cooley Construction, Inc. described in the Proposal.

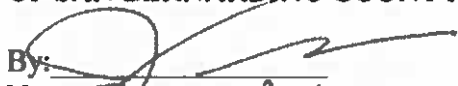
RESOLVED FURTHER, that the Board of Trustees delegates to Superintendent/President Daniel Walden Ph.D., authority to execute the Proposal and all other associated agreements or documents for the completion of the Work, and otherwise take all other actions necessary to fulfill the intent this Resolution.

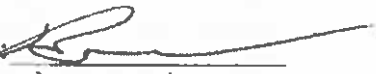
RESOLVED FURTHER, that this Resolution shall be effective as of the date of its adoption.

IN WITNESS WHEREOF, we have hereunto set our hands this March 12, 2024 by the following vote:

AYES:	<u>5</u>
NOES:	<u>0</u>
ABSENT:	<u>0</u>
ABSTAIN:	<u>0</u>

**BOARD OF TRUSTEES OF
VICTOR VALLEY COLLEGE
OF SAN BERNARDINO COUNTY**

By: 
Name: Joseph W. Brady
Title: President of the Board
Victor Valley College
Board of Trustees

Attested to: 
Name: Brandon Wood
Title: Clerk of the Board
Victor Valley College